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IMPLEMENTING PART VII OF THE OFFICIAL LANGUAGES ACT, 1988

Report of
THE COMMISSIONER OF OFFICIAL LANGUAGES
on
THE FEDERAL GOVERNMENT'S IMPLEMENTATION OF PART VII
OF THE OFFICIAL LANGUAGES ACT

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The Study Team, under the direction of Jean-Claude Le Blanc, included Margaret M. Cook, Edgar Gallant, Stacy Churchill and Conrad Winn, President of COMPAS Inc., who were on contract, working on a part-time basis. Team members consulted some 850 federal executives who have participated in this investigation; we are grateful to the latter for their co-operation. We would also like to express our sincere appreciation to the many official language minority community leaders who shared with us their experience and their ideas for the future.

February 1996



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SCOPE AND PURPOSE OF REPORT

This report reviews the measures taken since 1988 by the Government of Canada, more specifically by 58 selected federal departments, agencies and Crown corporations, to give effect to Part VII (Sections 41-45) of the Official Languages Act, 1988 (OLA 1988, Part VII, see Appendix A).

The adoption of Part VII in 1988 marked a major step in the strengthening of English and French language rights in Canada. Under Section 16(3) of the Canadian Charter of Rights and Freedoms Parliament gave a statutory basis to the role of federal institutions:

The Government of Canada is committed to

(a) enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and

(b) fostering the full recognition and use of both English and French in Canadian society. (OLA, Section 41)

Most measures taken by federal institutions in the period between the adoption in 1969 of the first Official Languages Act and that of the (new) OLA in 1988 had focused on:

1. *language of service* — improving access for citizens to federal services in the language of their choice;
2. *equitable participation* — ensuring equitable recruitment of English-speaking and French-speaking citizens for federal government jobs, always respecting the merit principle; and
3. *language of work* — creating conditions where federal employees, in designated areas, have appropriate opportunities to work in their language of choice.

Part VII of the OLA 1988 represents a **major new direction of government policy** in its emphasis on the development of minority official language communities and on the full recognition of the status and of the use of English and French in Canadian society. The commitments set out in Section 41 of this Part extend to all federal departments, all agencies and all Crown corporations. The scope of Part VII, guidelines for its implementation and support for its objectives from Canadian public opinion are presented in Appendix D.

What is required in order to fulfil the obligations set forth in Section 41 varies from institution to institution, and often from program to program. Defining the practical implications of these

statutory commitments requires an overall appreciation of each program and of how it might be combined with other related programs, and a sound understanding of the institution concerned, what it does and how it works. It also requires an in-depth knowledge and understanding of language rights and of the dynamics of the current status and relative use of English and French in various sectors of activity across Canada. Above all, it requires a thorough knowledge of each of Canada's minority official language communities, of its needs and objectives, and of the potential value for that community of each program.

A. OBJECTIVES AND SCOPE OF REVIEW

THE MINORITY OFFICIAL LANGUAGE COMMUNITIES

There are approximately 1,800,000 citizens of Canada who live as part of a minority official language community in their respective provinces and territories. Some 800,000 are English-speakers living in Quebec and some 1,000,000 are French-speakers living in the nine other provinces and the two territories. Their numbers are greater than the populations of six of the ten provinces. French-speakers outside Quebec are obliged to struggle continually against linguistic assimilation. The English-speaking community of Quebec has experienced numerical loss and decreased school enrolments. Both continue to face significant demographic problems.

This review was undertaken in the light of the obligation of the Commissioner of Official Languages under Section 56 to take actions "with a view to ensuring recognition of the status of each of the official languages and compliance with the spirit and intent of this [Official Languages] Act".

The main objectives of the review are:

1. To examine and report on the actions taken up to now by the federal government and by the major relevant federal departments, agencies and Crown corporations in implementing the intent of Parliament under this Part of the OLA 1988.

2. To encourage federal institutions to review current programs and policies with a view to giving effect to Part VII.
3. To foster creative thinking about the directions which might be taken in the future so as better to implement Part VII.
4. To make observations and recommendations guiding the successful implementation of this key component of the Act.

B. REVIEW PROCEDURES

Fifty-eight federal departments, Crown corporations and agencies, excluding judicial and quasi-judicial bodies, were selected for review on the basis of the potential impact of their activities on Section 41 (see Appendix B). Data were gathered by means of in-person interviews with senior personnel of these institutions; documentary analysis, including documents submitted by institutions in response to a written request from the Commissioner of Official Languages; and a telephone survey of knowledge and attitudes among a random sample of federal executives.

The selected institutions were first contacted by means of a letter addressed to their executive head (see notice of intention to investigate, Appendix C). Individuals selected by the executive heads as liaison persons were then contacted and direct interviews were arranged with selected senior persons in each institution. Requests were made to obtain interviews with heads of agencies and senior executives at policy and program decision-making levels. Interviewers were sometimes referred to persons responsible for the administration of official language policies on institutional two-language capability. In some agencies with high potential for impact in implementing Part VII, multiple direct interviews were conducted. Between 20 May and 30 September 1994 more than 100 interviews, averaging about one and three-quarter hours in length, were conducted with some 225 senior staff members of the 58 institutions. More than 30 of the persons interviewed participated in two or more of the interview sessions. Selected interviews with some 75 additional executives, including persons at the regional level, were carried out until the end of March 1995. The discussions were *semi-structured* and dealt with the purpose and objectives of Part VII, the principles guiding its implementation (see discussion paper in Appendix D), the means already used by the institution or potentially available for use in implementing the objectives and the information which could serve as a basis for monitoring results in giving effect to the commitments of Sections 41 and 42. These discussions gave us a greater understanding of the parameters and of the challenges involved in giving effect to the provisions of Part VII of the Act.

The documentary analysis focused on mission statements, corporate plans, budget documents, annual reports and departmental official languages policies, as well as on the executive heads' response to a request from the Commissioner of Official Languages to indicate what would be an *appropriate implementation scheme* for meeting Part VII commitments (see Appendix C).

Part VII institutional action plans were also considered.

The telephone interviews of senior public servants, conducted by the independent polling and research firm COMPAS Inc., involved *structured* interviews with 558 public servants chosen randomly from among a sample of 1,600 potential respondents at the level of director or above in all federal agencies (not just the 58). (See Appendix E for parameters and the results of the telephone interviews.)

In parallel with the study, consultations were undertaken with representatives of minority official language groups. Discussions were held with over 100 persons in the period prior to the preparation of the draft report. The draft report was circulated to the executive heads of the 58 federal institutions for commentary and reaction prior to being finalized. The comments we diligently received from some 50 institutions, and for which we are grateful to them, have enabled us to improve some aspects of the report, thus making it a better blueprint for action in the successful implementation of this important part of the Act.

C. BACKGROUND INFORMATION

The review was undertaken following repeated criticism by two successive Commissioners of Official Languages of the efficacy of federal efforts in dealing with the objectives of Part VII of the OLA 1988, most particularly with respect to the commitment to support and assist the development of English and French minority linguistic communities (See excerpts from the Annual Reports of the Commissioner of Official Languages for 1989, 1991, 1992 and 1993 in Section 1 of Appendix F.)

These criticisms reflected strong currents of concern expressed by individuals and organizations representing the minority official language communities. Evaluation studies conducted by the Department of the Secretary of State covering the period 1988-93 also confirmed the existence of serious problems with respect to implementing Part VII:¹

No other aspect of the [Promotion of Official Languages] Program appears to receive such negative criticism for its impact as does interdepartmental co-ordination. (p. 15)

The brunt of the criticism found in the evaluation has been addressed to the over-all [lack of] commitment of the government. (pp. 40-41)

The discussion of interdepartmental co-ordination...suggests a widespread understanding that the federal commitment outside the [Department of the

¹ Department of the Secretary of State of Canada, *Evaluation Synthesis: Promotion of Official Languages Program*. Ottawa: Audit and Evaluation Branch, DSS, June 1993.

Secretary of State] is interpreted as being mainly reactive and dependent upon receipt of additional funding from the [Promotion of Official Languages Program]. (p. 41)

Given the already negative background of information, this review was designed in order to maximize the positive effects it might have without distorting its fundamental purpose of reporting to Parliament on the degree of implementation of Part VII. Particular emphasis was placed on the need to use the process of study as a means of increasing awareness at senior management levels regarding the nature of the commitments made by the Government of Canada and of stimulating creative thought on new and appropriate ways to meet those commitments. In short, the objective was much more to stimulate action than to review the (in)action of the past.

A few weeks after we initiated our study on March 23, 1994, the Clerk of the Privy Council established a new Committee of Deputy Ministers on Official Languages. A similar committee had met when the OLA 1988 was being drafted at the request of the Prime Minister, and later, to examine the impact of the Draft Regulations on Official Languages (Communications with and Service to the Public). No such committee has since been active. By the end of May 1994, the Prime Minister's Office had also become actively involved in examining how to begin implementing Part VII of the Act. In August 1994, Cabinet approved a ministerial accountability framework for the application of Section 41 and 42 of Part VII. It requires that some 26 federal institutions (27 with the addition of the Department of Canadian Heritage) consult with the English- and French-speaking minority official language communities and develop Business Plans designed to give full effect to the Government of Canada's commitments set out in Section 41 of the Act. Ministers are required to send their Part VII (Section 41) implementation plan to the Minister of Canadian Heritage, together with the results achieved during the previous year. The Minister of Canadian Heritage is to report to Parliament once a year on the implementation of Part VII of the Act.

This Committee of Deputy Ministers on Official Languages has discussed progress made in the implementation of Part VII on a regular basis ever since it was created.

The scope of our investigation was extended so as to take into account the Government of Canada Part VII application strategy adopted in August 1994. It was further extended to include implementation of that key decision as it unfolded, beginning in the Fall, under the leadership of the Department of Canadian Heritage and the guidance of the Committee of Deputy Ministers on Official Languages and of the Privy Council Office. Conducting our study, and writing the conclusions and recommendations presented in this report, were also complicated by the profound and ongoing impacts that the implementation of the 1995 February Budget and a major program review are having on the structures of many federal departments and of numerous programs in key areas of activity relating to economic, cultural and human resources development. Our analysis was completed before the end of 1995, precisely at a time when implementation of most of the 1995-1996 institutional Action Plans designed to give effect to the Government of Canada commitments set out in Section 41 was taking shape, and when new

ideas and initiatives were germinating in the minds of those entrusted with developing the second generation of Part VII institutional implementation plans.

Every federal institution, and particularly each of the 58 federal institutions surveyed, is expected to take the means that are necessary to give full effect to the Government of Canada's statutory commitments set out in Section 41. The first step is to design and adopt an *appropriate implementation scheme*. In his letter of intent to investigate, the Commissioner asked the executive head, the person responsible for the organization's implementation of Part VII of the Act, to send him the outline of what he or she would consider to be an appropriate Section 41 implementation scheme for his or her organisation.

Our analysis of the responses received from a majority of institutions revealed, not surprisingly, that the complexity of designing an appropriate implementation scheme varied considerably, depending on the scope of the mandate of the institution, on the extent to which its organization spread across the country and on the breadth and depth of the impact its multi-faceted activities potentially **could have** on both the vitality of the English- and French-speaking communities and the recognition and use of English and French in Canadian society.

The quality of what was outlined as appropriate means to succeed in view of each institution's particular circumstances, the discussions held between the Commissioner's team and representatives of the federal departments, agencies and Crown corporations under study, as well as the time individual institutions needed to respond to the Commissioner's letter of intent to investigate, provided us with an appreciation of their relative administrative effectiveness, their ability to cope with perceived new responsibilities and their relative capacity to co-operate constructively.

It is interesting to note that some institutions that are involved on a day-to-day basis in fulfilling various business needs, including to facilitate exporting Canada's goods and services, were able to provide the Commissioner with their outline of an appropriate implementation scheme prior to June 30, 1994, before the deadline was first extended to September 30. The Export Development Corporation falls under this category. Other institutions, such as the Cape Breton Development Corporation, a coal producer, stood out because of the relative quality of the first version of the implementation scheme that they had conceived. The task in this case may have been less complex because the Corporation's mandate is somewhat more single-focused than that of the departments. Still, their performance in this regard demonstrated an understanding of the core issues and was far better than that of many institutions whose activities impact only on one of the Section 41 commitments, namely "fostering the full recognition and use of English and French in Canadian society." Our analysis of these responses also convinced us of the usefulness of constructing an instrument that can serve as a checklist and assist executive heads in developing an appropriate and suitable Part VII implementation scheme for the federal institution under their responsibility (see Appendix H).

In Appendix G, the 58 institutions we studied in more detail are classified according to the relative impact their activities could have in giving full effect to Parliament's clearly affirmed

intent in Section 41 of the Act. This helps to provide a government-wide overview of the challenge and priorities in implementing Part VII of the Act, since *the responsibility that falls on any given department, agency or Crown corporation is proportional to the impact that its activities can have on both the full recognition of the status and use of English and French in Canadian society and on the vitality and development of minority English- and French-speaking communities in Canada.*

OBSERVATIONS AND RECOMMENDATIONS

This report examines federal action in implementing Part VII of the Official Language Act, 1988, and provides a blueprint for the advancement of English and French in Canadian society. The recommendations formulated below are most often of a general nature and allow for a flexible implementation adapted to the specific circumstances of each federal institution. These are the measures the Commissioner feels are indicated to ensure the success of the joint federal undertaking of operationalizing the policy of the Government of Canada set out in Section 41.

Both objectives of Section 41 require consideration of the societal impact of programs. Fostering the full recognition of the status and use of both English and French in Canadian society requires considering the impact both of actions taken and actions omitted. Enhancing the vitality and supporting the development of minority official language communities requires consideration of the impact of any related act or omission in terms of benefits accruing to specified communities. The concept of "community" is itself changing in meaning. Rather than a narrow geographical concept of people living in the same locality, communities are now viewed as networks of institutions, organizations and allegiances in which people mostly participate on a voluntary basis. These networks include social, political, cultural and economic institutional and organizational infrastructures. Some networks fall into the public sector category. Others are based on community-controlled private sector (and co-operative) enterprises. Together, these networks define the community's identity; they serve to satisfy many basic human and community needs and to support the community's vitality and development. For many federal institutions the focus on community development is a fundamental change in thinking about the way in which programs are designed and delivered.

1. PROVIDING LEADERSHIP AND CENTRAL DIRECTION

The task of providing central policy direction for the Government of Canada devolves primarily on Cabinet and certain strategic departments — Privy Council Office, Treasury Board, the

Department of Justice. In dealing with the Official Languages Act, special central direction responsibilities are also given to the Minister of Canadian Heritage (formerly, to the Secretary of State of Canada). Because of its statutory mandate, the Public Service Commission also shares some central responsibilities (particularly in relation to staffing, recruitment and personnel training). For training at senior executive levels the Canadian Centre for Management Development plays a key role in supporting the initiatives of the other central agencies. The responsibilities of these agencies are discussed in terms of core issues: ensuring Part VII has the impact intended by Parliament, management of the policy and program development process, training of public employees and development of management and information systems.

A. Getting Results: Impact of Part VII

1. Part VII of the Official Languages Act 1988 has until now had a relatively weak impact as measured in terms of the objectives set out by Parliament in Section 41 of the Act. The lack of impact is traceable to a failure to set clear priorities, objectives and guidelines. Because of this inaction, efforts by the Office of the Secretary of State and later by the Department of Canadian Heritage to co-ordinate government-wide implementation of Part VII have been largely ineffectual.

The principal consequence of failure to set priorities and objectives is that the minority official language communities in the various provinces and territories have received little or no additional support from other federal institutions in their efforts to overcome the effects on community vitality of demographic and cultural erosion. Minority communities continue to receive much less than proportional benefits, even when defined in strictly numerical terms, from most Government of Canada programs; in this sense, they remain a significantly disadvantaged part of our population in spite of the legislated intentions of Parliament.

2. Our study found that, as a general rule, the 58 federal institutions reviewed:

1. Responded to the requirements of the OLA only in terms of general (and often imperfect) *compliance* with official language policies and regulations relating to the language of communications with the public and the provision of services, the language of work of federal institutions and the equitable participation of English- and French-speaking Canadians in federal institutions.
2. Had not formulated guidelines, set objectives or defined specific means for implementing Part VII. **Measures to implement Part VII were not mentioned in any of the official documents published by any federal institution in the study** — mission statements, corporate plans, budget estimates (Part III) or official languages policies — with the sole exception of the Department of Canadian Heritage.

3. Had virtually no data about benefits that the minority official language communities derive from their programs, nor about the impact their policies and programs have on those communities they do in fact reach.
4. Rarely sought to take an active stance in mounting and adapting programs to correct, whether on a national or a regional and local scale, the progressive erosion of the English and French minority language communities.
5. Did not treat the commitment to enhancing the vitality, and supporting the development, of Canada's English-speaking and French-speaking minority communities as being an integral part of their mandate for delivery of all relevant programs, as required by Section 41 commitments.

3. In seeking to foster recognition and use of the two official languages in Canadian society (Subsection 41(b)), few federal institutions have, until recently, taken additional steps beyond those already contemplated under the 1969 Official Languages Act. The strength of the already existing commitment to the institutional ability to function in both languages supports the objectives of the Act but falls short of a concerted effort to use the full influence of federal institutions to promote full recognition and use of English and French in Canadian society.

4. Because the obligations under Part VII of the Government of Canada in dealings with provinces or the private sector have never been systematically monitored, recent moves to restructure and transfer federal responsibilities have tended to weaken, rather than enhance, the impact of programs serving the objectives of Section 41.

5. A significant shift in how federal agencies view implementation of Part VII became evident soon after our study was initiated at the end of March 1994. The focus of the subsequent, promising changes in policy leadership has been primarily on internal procedures and policies of the Government of Canada; impact on the delivery of programs that further the objectives of Part VII is anticipated in the not-so-distant future.

B. Management of the Policy and Program Development Process

1. The Cabinet decision in August 1994 to establish a *ministerial framework of accountability for implementation of Part VII of the OLA, 1988* marked the first systematic initiative by the Government of Canada to foster implementation of the commitments made in Section 41. Prior to this the task of co-ordination given to the Secretary of State/Minister of Canadian Heritage² had been exercised in the absence of stated governmental priorities and

² Following reorganization of federal departments in 1993 the responsibilities assigned by the OLA 1988 to the Secretary of State have been exercised by the Minister of Canadian Heritage.

without effective support from strategic central agencies (Privy Council Office, Treasury Board, Justice). The Cabinet decision was the starting point for putting in place the first mechanisms in central agencies to stimulate and monitor the application of Part VII on a government-wide basis. A key element is the notion that submissions to Cabinet should henceforth include a section to take into account the impact proposals therein have on minority official language communities.

2. Prior to initiation of the process of establishing the framework of accountability, the activities of the Secretary of State/Department of Canadian Heritage in co-ordinating the implementation of Part VII were weak and had only a marginal impact on other federal institutions.

Two **major accomplishments** stand out in terms of the responsibilities given to the Department of Canadian Heritage before 1994: (a) The conclusion of agreements with nearly all the provinces and territories concerning promotion by those jurisdictions of the official languages and of the development of minority official language communities; in spite of the limitations of some of the agreements, the Canada-wide coverage has laid a groundwork for further co-operation. (b) The development of models of consultation and agreement with provincial/territorial minorities in setting community priorities for federal program intervention. "Canada-community" agreements have now been reached between the Government of Canada and the associations representing the minorities in a majority of provinces. The agreements concern consultation mechanisms, community priorities for requesting allocation of federal funds, and community inputs to the administration of related federal programs, financed mainly (but no longer exclusively) from the Official Languages Support Programs of the Department of Canadian Heritage.

3. In addition, our review noted that a variety of other federal institutions have co-operated in discussions to promote co-ordinated federal activities within provinces (and/or regions). *The participation of most federal departments has thus far been limited to undertaking one-of-a-kind projects or programs rather than building the Part VII commitments into all relevant programming.* In most cases, initiatives involved a subsidy from the Department of Canadian Heritage, as if this had been necessary to convince the other department to pay part of the costs of initiatives that nonetheless fall within the area of their program responsibilities. Other departments seem reluctant to reorganize their budgetary priorities in order to assume responsibility for programs that clearly are within their mandate.

4. In our study, no evidence was found of a systematic effort, even after August 1994 to ensure respect of Section 41 commitments in the process of restructuring governmental institutions and programs, including through transfer of responsibilities to provinces or to the private or voluntary sectors. Instead, restructuring was sometimes carried out in a way that diminished, rather than enhanced, the support given to the development of minority official language communities or to the recognition of the status and the use of their official language. In spite of measures taken in management of the policy process (see below), the great pressures currently placed on government mean that *restructuring decisions remain an area where constant*

vigilance will be required in order to ensure that such decisions further the objectives of Part VII and do not reverse gains already made.

5. All strategic central institutions have taken measures to begin developing an implementation scheme for their own Part VII responsibilities. Key ministers, namely the President of the Treasury Board and the Minister of Finance, were consulted prior to the August 1994 Government decision. The Privy Council Office and the Department of Canadian Heritage are in the process of putting in place an appropriate implementation scheme, and it is hoped that others will follow shortly.

6. The **Privy Council Office** has over-all responsibility for co-ordinating governmental processes of decision-making, usually acting in concert with other central agencies. The areas covered include, but are not limited to, policy decisions, legislative and regulatory initiatives, program initiation, review and continuation or termination and allocation of all forms of resources, including financial.

The coordination of intergovernmental relations is another key area of responsibility that falls under the Privy Council Office. There are today countless federal-provincial agreements covering not only areas of shared jurisdiction such as transportation, economic development or environment, but also areas of exclusive (federal or provincial) jurisdiction. In a situation where two levels of government serve the same people, there is an obvious need for intergovernmental cooperation. In the last year alone, hundreds of federal-provincial agreements were signed, many with the purpose of reducing duplication and improving coordination and efficiency in identified cases of overlaps. A single food inspection service is a case in point. Another family of agreements are designed to eliminate interprovincial trade barriers impeding on the flow of capital or on the free movement of goods, services and people within Canada. Under an approach developed in the 1970, and which has still not totally disappeared, federal-provincial agreements were structured around five year General development agreements, complemented by subsidiary sectoral agreements in areas such as agriculture, forestry, fisheries, mining, tourism, culture, etc. In these vast areas of activities, with a few exceptions, federal-provincial agreements have totally ignored the particular circumstances and needs of minority official language communities. Even in areas of obvious interest to minority official language communities, such as culture, enhancing their vitality and supporting their development has simply never been a consideration. Only in recent years have we seen one or two modest initiatives in the area of tourism where it is obvious that promoting local minority communities' arts and crafts, and their distinct traditions and cultural expression is a way of supporting the development of both minority and majority communities.

In addition to its general responsibilities — all of which impinge on giving effect to Part VII of the OLA — the Privy Council Office is responsible for monitoring the requirement of the August 1994 Government directive. In co-operation with the Department of Canadian Heritage, it can sensitize departments to the needs of minority official language communities and to the necessity of taking their development into account in submissions to Cabinet. As of the time of this report, the mechanisms for implementing such a requirement had not all yet been put in

place. Such a requirement, an essential element of an appropriate implementation scheme, depends for its effectiveness on (a) good quality data available for use by the submitting agency for evaluating impact, (b) a clear process for assessing implementation and (c) a high level of understanding of minority official language communities and of the situation of English and French on the part of those involved in assessing program proposals and monitoring program impact. At present, the three conditions for effectiveness **cannot** be met by any except a handful of divisions (mainly in the Department of Canadian Heritage).

In this decision-making process it is not a matter of avoiding illegalities, but of giving effect to a positive obligation. A well targeted education and training effort is called for, together with more adequate information systems, so that *the persons* responsible for the preparation of such government decisions have the mindset, the knowledge and the skills necessary not only to recognize the opportunities to enhance the vitality of any or all minority official languages communities, and to foster the recognition and use of English and French in Canadian society, but also to take the initiative of proposing practical measures to actualize their potential. It is not a matter of proposing costly new measures; it is a matter of ensuring sufficient personal commitment and a sense of responsibility at various levels of the decision-making processes, and of being a more creative public servant and acting with more ingenuity.

Recommendation: The Privy Council Office should give thorough attention, in collaboration with the Department of Canadian Heritage, to strengthening the process of reviewing implications of Cabinet submissions for ensuring full implementation of the Government of Canada commitments under Part VII of the OLA. Within this process, priority should be given to reviewing major proposals for budget realignment and reductions, restructuring governmental departments and programs and transferring federal roles and functions to other jurisdictions or to the private sector.

The Privy Council Office should ensure that, in the process of preparation of submissions to Cabinet, the internal procedures of the Department of Justice include careful attention to Part VII implications of (a) draft legislation, (b) draft regulations and (c) draft agreements between the Government of Canada and other jurisdictions (provinces/territories). Similar requirements should be established for all draft agreements concerned with a transfer of powers or programs from a federal institution to the private sector or to the co-operative or non-governmental sectors.

The Privy Council Office should set in place a reporting mechanism with clear deadlines to ensure that all federal institutions have reviewed their decision-making procedures and taken steps to create mechanisms for consideration of impact and opportunities in ALL relevant decisions for ensuring implementation of Part VII objectives.

The Privy Council Office is responsible for co-ordinating the annual performance evaluation of Deputy Ministers and for advising the Prime Minister. Evaluation of performance related to

official languages has benefitted from consideration of the memoranda of agreement regarding objectives drawn up between the Treasury Board Secretariat and the relevant departments. The extension of this to include consideration of performance with respect to Part VII has not yet been complemented by a parallel procedure to ensure involvement of the Department of Canadian Heritage.

7. The **Treasury Board** and its Secretariat have a decisive role to play in implementing Part VII of the Official Languages Act. The main potential for action by the **Treasury Board** derives from its responsibility for recommending the allocation of the government's financial resources. Treasury Board can promote government-wide implementation by building Part VII considerations into its two functions of (a) evaluating existing programs to determine their effectiveness and (b) reviewing proposals for new and ongoing program expenditures. Treasury Board responsibility for co-ordinating governmental management systems provides additional means for strengthening this primary role of program monitoring.

Under the OLA 1988, the Secretary of Treasury Board was given broad powers relating to the implementation of Parts IV, V and VI of the Act (language of service, language of work, and equitable participation, consolidated from earlier OLA 1969)), including establishing policies, evaluating policies and programs and monitoring and auditing federal institutions for compliance with policies, directives and regulations. The OLA 1988 gives no such authority to the Department of Canadian Heritage (Secretary of State) with respect to implementation of Part VII. Those parts of the OLA administered by Treasury Board were viewed as binding on federal institutions, but Part VII was treated as a "discretionary commitment" by some senior executives involved in our study.

As a department concerned with mediating between conflicting demands, Treasury Board has no tradition of actively "looking after" program areas not under its direct responsibility. While the Government Part VII application strategy of August 1994 set in place a responsibility framework intended to ensure more effective implementation, the articulation of Part VII objectives within the framework of other governmental priorities remains too imprecise to shift the traditional "arbitrator" approach of the Treasury Board Secretariat to a more active one analogous to the role it plays with respect to Parts IV, V and VI of the OLA.

Given the extraordinary financial pressures which now are being brought to bear on all branches of the federal government, effective implementation of Part VII will be seriously impeded unless such a shift in approach occurs. In the crush of conflicting demands, effective implementation of Part VII in terms of ensuring that federal institutions meet Government of Canada commitments — particularly the commitment to "support and assist" minority official language community development — risks being forgotten. The current situation is one in which the erosion of already existing benefits from programs is likely, unless strong counter-measures are put in place and monitored by the Treasury Board Secretariat in consultation with the Department of Canadian Heritage.

Recommendation: In consultation with the Department of Canadian Heritage, the Treasury Board Secretariat should seek by all available internal measures to ensure that its government-wide roles for managing policies and program commitments are exercised with a view to including the vigorous monitoring of the effectiveness of federal departments and agencies in giving effect to the commitments of Part VII of the OLA. Other federal institutions must be reminded that the commitment of the Government of Canada and of Parliament is unequivocal and must be put into effect.

Without limiting the above, the Treasury Board Secretariat should manage the new departmental Business Plans and Outlooks process in such a way as to enhance full implementation of both statutory commitments set out in Section 41.

In giving effect to Part VII, the Treasury Board should also adopt a policy or directive requiring that all federal institutions responsible for managing grants or contributions programs include in their agreement with the receiving party appropriate conditional provisions ensuring that all opportunities to fostering the full recognition and use of English and French are seized, especially when such a receiving party is a public institution serving both English- and French-speaking Canadians.

The Treasury Board Secretariat is responsible for ensuring the effectiveness of management systems of the federal government, including information systems. This will be discussed below in a section on development of information systems.

8. The **Department of Justice** has two major responsibilities which are of extreme importance for implementation of Part VII: providing legal services and ensuring that the affairs of government are administered in accordance with the law.

In *monitoring compliance with the law* the Department performs a role as gatekeeper: (a) it is concerned with the objectives and policy considerations underlying the law and ensures that what the government does, or proposes to do, does not conflict with existing laws; (b) it is also charged with ensuring that existing commitments are met, for example by examining all legislative proposals to ensure compliance with the provisions of the Canadian Charter of Rights and Freedoms.

The *legal services* function includes the provision of legal advice, the drafting of all legislation and the preparation of legal documents, including federal-provincial agreements. The Department of Justice provides trained legal staff to all but two departments (Defence and Foreign Affairs and International Trade) and to many agencies (but not to the Office of the Commissioner of Official Languages); even if the initiative for new laws and regulations resides with the individual departments, these employees of the Department of Justice are usually involved in all aspects of developing legislative and regulatory proposals. None of these employees, to our knowledge, has been trained in the scope and implications of Part VII of the

OLA, notably in the light of government priorities announced in August 1994. Because of the pervasive nature of regulations in the operations of government it is important that this group of legal advisers receive instructions and training to permit them to ensure Part VII considerations are present from the earliest stages in the initiation of legislation and in drafting regulations and agreements.

Recommendation: The Department of Justice should ensure that its legal services staff receive adequate training in the implications for their work of Part VII. The training should emphasize that the obligation for implementation of Part VII is the responsibility of all federal agencies.

In co-operation with the Privy Council Office and the Treasury Board, the Department of Justice should establish uniform working procedures applicable to all departments and requiring that consideration of Part VII implications (including opportunities for ensuring implementation of its objectives) of legislative proposals, proposed regulations and draft agreements affecting federal areas of responsibility be a part of the normal process of developing such proposals. This consideration should occur as early as possible rather than as a final step in preparing legal policy or texts, when changes either to the text or the underlying assumptions may be difficult to make.

9. The **Department of Canadian Heritage** has multiple responsibilities under Part VII. *Departmental implementation of Part VII:* As a federal institution, the Department shares with all other institutions the responsibility for implementing the objectives of Section 41 in its own programs; this responsibility is discussed separately in a later section on implementation in different sectors. *Interdepartmental co-ordination:* Section 42 gives the responsible minister the task of encouraging and promoting a coordinated approach to the implementation by all federal institutions. Section 43 details the duties incumbent on the responsible minister in order to advance the equality of status and use of English and French in Canadian society. The measures include, *inter alia*, providing encouragement and assistance to provincial governments to ensure advancement of English and French, a task commonly referred to as *intergovernmental co-operation* (See Appendix D).

As noted above, until 1995 **interdepartmental co-ordination** had very little impact on federal institutions, or on Part VII objectives. With the implementation of the Government Part VII application strategy adopted in August 1994, the exercise of this responsibility has become much more dynamic and some federal institutions have begun responding positively. This is shown, for example, by several initiatives involving the Department of Human Resources Development, sometimes in combination with other institutions such as regional development agencies.

Under the terms of the August 1994 Government decision, the Department of Canadian Heritage will provide priority assistance to 26 selected "key institutions" in developing the first of a series of "action plans" to begin implementing Section 41. The institutions were selected on the basis of their having particular roles to play in three priority areas as identified through consultations

with minority official language communities: economic development, human resource development and cultural development. While selecting a limited list of priority targets for concerted implementation represents a reasonable strategy for change, we note that the announcements by the Department of Canadian Heritage also point out that all federal institutions are covered by Section 41. Implementation, by at least the key institutions, of the first series of action plans for 1995-1996 was well under way at the end of 1995.

The present approach is understood to be the first element of a long-term strategy for change, the overall effectiveness of which can be assessed only with time. Even at this stage, however, it appears that the current approach may not succeed in giving full effect to the commitments of Section 41:

1. Choosing a limited number of key institutions could well serve as a pretext for other federal institutions to neglect action to implement Part VII in their programs immediately.
2. The focus on short-term action plans appears to be widely interpreted as a means of launching small, immediate projects on a one-off basis rather than rethinking the overall approach to implementation.
3. With rare exceptions, key institutions have chosen as their departmental representatives persons who are NOT involved in the main decision-making centres of the department. Instead, they tend to rely on persons with staff rather than line responsibilities, often chosen from staff reporting to the Human Resources branch. The result is to isolate the new initiatives from impact on operational plans of line management. The nominations confirm, moreover, that most of the key federal institutions are continuing to treat Part VII as a marginal activity of little direct relevance to their main programming and policy responsibilities.³

³ A first series of meetings between representatives of the minority official language communities and of the selected "key institutions" was organized by the Department of Canadian Heritage in all provinces between the end of February and the end of June. The April 27, 1995, national meeting brought together some 80 leaders of approximately 40 national organizations representing the Francophone and Acadian communities and some 60 federal employees, including the national institutional co-ordinators for implementation of Part VII. There was a clear feeling on both sides, mainly because in most cases the executive head had delegated institutional responsibility at rather low levels in the organization hierarchy, that the political will to implement Section 41 was not yet sufficiently solid. With the participation of the Associate Secretary to the Cabinet, Privy Council Office was a notable exception. A second series of consultative meetings for the development of the second generation of Section 41 - Part VII Institutional Action Plans began in November 1995.

4. The training and support materials produced by the Department of Canadian Heritage do not encourage a sufficiently comprehensive view of Part VII objectives as being related to all relevant aspects of the mandate of all federal institutions.
5. Present measures to evaluate institutional performance are inadequate. The evaluation of Part VII implementation needs to have a strong basis in changes to operational procedures for management within institutions. This point will be taken up below in discussing information and management systems.

Efforts to improve the current Government of Canada Part VII application strategy and the strategy of its implementation by the Department of Canadian Heritage should recognize and build on its two most important features: First, the use of specific action plans as a means of beginning implementation is logical and has the strong advantage of concentrating on the immediately doable. Second, the provision that action plans should involve consultation with minority communities is a positive development that begins the process of educating federal institutions about minority needs. However, the current approach needs to be complemented by a strong educational effort to show that one-off projects, while useful and necessary, are only the beginning of the institutional change required and, alone, do not constitute a sufficient institutional response to fulfilling the objectives of Section 41.

Further measures should be taken. The action plans prepared under the new Government strategy may neglect two crucial elements of **appropriate implementation schemes** for giving effect to Part VII of the OLA:

1. An emphasis on *introducing Part VII considerations in all relevant program and policy areas*; the praiseworthy goal of generating immediate and clear initiatives can result in certain visible projects which, however, fail to change significantly the overall mode of operation of programs that account for the bulk of expenditures (and associated benefits) of a given institution.
2. Reviewing and *changing internal decision-making procedures and management practices* to ensure adequate consideration of Part VII commitments as a normal part of doing business.

Recommendation: The Department of Canadian Heritage should extend its current approach to interdepartmental co-ordination by providing guidance to institutions on a broader concept of implementation. The action plan should be only one component of a larger implementation scheme that includes revised decision-making

and program management procedures to ensure inclusion of Part VII considerations in all relevant aspects of activities by federal institutions (see Appendix H).

The recent reorganization of government departments has created a rare opportunity for the Department of Canadian Heritage, because several key cultural agencies and institutions either report to Parliament through that Minister or have been incorporated into the Department. In this respect, for example, the inclusion of the former Parks Canada in the portfolio serves to highlight the often neglected symbolic value of national parks as an element in the promotion of Canadian identity. To strengthen the effectiveness of its efforts and activities in interdepartmental co-ordination, it is important that the Department use its own programs to give a clear example of what is implied by a broadly based implementation scheme for Part VII.

Recommendation: The Department of Canadian Heritage, and the related autonomous agencies that report through its Minister, should seek to become models of across-the-board implementation of Part VII in the spheres of culture and the promotion of Canadian identity. Such an approach should include the requirement that autonomous agencies and all Department branches develop comprehensive implementation schemes that include, but extend, the action plan to reflect a broad approach of implementation concerning all relevant programs and policies.

At least one important cultural institution, the Canadian Museum of Civilizations, should immediately be added to the list of key institutions targeted in the current initiative. It is highly likely that the museum's collections will become increasingly accessible through electronic media and will therefore receive very extensive exposure, particularly in educational institutions throughout the country. The symbolism of Canadian identity is a key feature in the promotion of the status and use of both official languages and of the vitality of minority official language communities.

Recommendation: The Canadian Museum of Civilizations, among others, should be included among the list of key institutions targeted by the current initiative for implementation of Part VII (see the related recommendation below, under II-A: "Cultural Development").

The function of **intergovernmental co-operation** is understood to cover essentially the relationship of the federal government with the provinces and territories. In addition, giving effect to the commitments of Part VII with respect to minority official language communities requires that particular attention be paid to the effects of policy at the regional or local level.

The Department of Canadian Heritage exercises its mandate for intergovernmental co-operation through both direct and indirect means. As noted above, *direct agreements* concerning the promotion of minority official language communities have been reached with most provinces and both territories. This approach has made a very useful contribution and needs to be pursued and strengthened. On the other hand, the Department of Canadian Heritage has far broader *indirect responsibilities for intergovernmental co-operation* that result from its role in co-ordinating the response to Part VII by other federal departments. As noted above, the transfer of federal jurisdictional responsibilities to the provinces (along with transfers to the private sector) is the area where the greatest negative effects on the objectives of Part VII have occurred and are likely to occur unless a major effort is undertaken to monitor the development and effect of all relevant agreements systematically.

Recommendation: The Department of Canadian Heritage should play a key role in the development of better monitoring systems for ensuring the fulfilment of Government of Canada commitments under Part VII, acting in concert with other agencies in a common framework defined under responsibility of the Privy Council Office (see the related recommendation above, under I-D: "Developing Management and Information Systems").

Recommendation: Training and support materials prepared to facilitate implementation of Part VII should emphasize that Government of Canada commitments must be safeguarded in any governmental restructuring and, in particular, when transferring federal responsibilities or functions to the provinces and territories or to the private sector.

10. Actions by the **Cabinet** will determine the extent to which the new initiatives will have lasting effects on the vast apparatus of the federal government and, ultimately, on Canadian society. The August 1994 Government decision plays a role similar to decisions taken by the Government in 1969 and 1970. Nearly two decades were required to implant institutional two-language capability in a definitive way in federal institutions. The promotion of linguistic duality in society at large, as intended in Part VII, will require a similar degree of persistence and repeated stimuli from the highest political authorities. In the immediate future, strong central backing is required for certain key aspects of implementation in order to maintain the visibility of the central objectives of Part VII during a period of massive governmental restructuring.

Recommendation: A sub-committee of Cabinet or other appropriate mechanism giving effect to the terms of Section 42 of the Act should be established to oversee the implementation of Part VII commitments, namely to approve Minister's Business Plans received by the Minister of Canadian Heritage in accordance with the August

1994 Cabinet directive. The Ministers of Canadian Heritage, Human Resource Development and Industry should be statutory members.

Recommendation: The continuing stewardship of Cabinet over the initial phases of implementing Part VII should provide firm direction in the following areas of major symbolic and practical importance:

- reaffirming the commitment of the Government of Canada to the pursuit of the goals of Part VII and emphasizing the importance of success in meeting those objectives as symbolic contributions to the maintenance of a concept of Canadian citizenship which is valid for all citizens independently of their place of residence;
- clarifying the importance of Part VII implementation among governmental priorities and providing clear guidance with respect to the place of Part VII considerations in making recommendations to the Cabinet on financial allocation and program review and restructuring;
- ensuring government-wide dissemination of clear political guidance with respect to the responsibilities of all federal institutions, within the framework of their respective mandates, to take appropriate action to implement Part VII;
- publicizing the intentions of the government in continuing its support for vigorous implementation of Part VII commitments, along with the underlying justification in terms of
 - a. the role of linguistic duality and, in particular, the living example of our minority official language communities as an essential part of Canadian identity;
 - b. remedying specific disadvantages of minority official language communities resulting from historical inequities and from structural obstacles to their receiving equitable benefits from many federal programs.

C. Training Public Employees

During the course of this study it became apparent that the lack of firm political direction prior to 1994 had resulted in many public employees feeling that Part VII was not intended to have practical effects on governmental activities, except perhaps in certain branches of the Department of Canadian Heritage. Prior to the Cabinet decision of August 1994 some senior executives interviewed in our study presented positions that the adoption of Part VII was "purely

declaratory", was not intended to change the way government (particularly their institution) does business, or was simply a "discretionary commitment" at a lower level of importance than other parts of the OLA 1988. Information derived from the direct interviews and from the government-wide COMPAS survey of senior executives (see Appendix E) indicates that giving full effect to the objectives of Part VII will require effective attention to improving training and information for public employees of all federal institutions.

1. With rare exceptions, the vast majority of senior federal public servants were essentially unaware of the commitments made in Part VII or, at least, of their implications. In the telephone interviews of senior executives in federal agencies, for example, a large number of respondents (66%) reported that, prior to 1994, they and/or their colleagues had met to discuss how their department or branch should go about implementing Part VII of the Official Languages Act; almost all of those reporting such meetings (97%) even said they were either "purposeful" or "somewhat purposeful". The expectation that such meetings would make the participants aware of the scope of Part VII commitments is dashed, however, by the responses to other questions in the survey. In one set of questions interviewees were asked to identify potential initiatives that their institution could take to implement Part VII of the Act beyond those presently being undertaken:

- a. The most frequent response was either "no idea" or that no new initiatives were needed.
- b. Almost all the other responses consisted of proposals that were measures taken long ago in implementing the OLA 1969, such as encouraging use of both official languages within their organization, more language training for public employees and reinforcing the obligation of federal institutions to function in both official languages.
- c. Only a handful of respondents suggested any measure that involved promotion of English and French in society at large and *almost no respondents suggested measures that might support the vitality of minority official language communities.*

2. The telephone interviews of senior executives showed evidence of good will towards measures that would support the vitality of the English and French minority official language communities. The positive attitude suggests a general psychological receptiveness to new training measures that would facilitate positive action to implement Part VII. The telephone survey showed:

- a. *Strong agreement with measures to support the development of the official language minorities.* More than 80% of respondents favour the same or higher levels of support; those favouring increased levels of support are proportionately more numerous with respect to the French-speaking minorities outside Quebec (47.9%) than to the English-speaking minority in Quebec (34.6%); those favouring decreased levels of support were comparatively quite few in number

(22.1% would decrease support for minority Anglophones, 18.5% for minority Francophones).

- b. *Appreciation for the difficulties faced by official language minorities in their daily lives.* On a scale of seven points, where a 4 means chances approximately equal to those of the provincial majority group, respondents rated English-speakers' educational and professional chances at 4.1 compared to those of their French-speaking neighbours in Quebec; they rated minority French-speakers a very low 2.5. Predictably, the ratings made by English-speaking and French-speaking senior executives were somewhat more sympathetic to members of their own language group minorities and less so to members of the other group. The differences, however, are less important than the strength of consensus. Both Anglophone and Francophone executives agreed on the extreme disadvantage of the minority Francophones living in provinces other than New Brunswick. (This attitudinal finding must be tempered by the observation that sympathies are not necessarily founded on a strong knowledge base; see item 3 below.)
- c. *Perception that minority official language communities are relatively disadvantaged in terms of "not getting their fair share of federal government benefits".* The average ratings of respondents tended to agree with the proposition that the minority groups encountered difficulties in getting their "fair share" of benefits from the federal government.⁴

3. Most senior officials appear to have almost no in-depth knowledge of minority official language community needs or concerns:

- a. With respect to the English-speaking minority of Quebec, the executives' lack of knowledge appears to have been complicated by a high degree of confusion in distinguishing between the visible economic role of major Canadian corporations headquartered in Montreal (but owned by shareholders across the country) and the status of English-speaking citizens living in Montreal. The result was that in direct interviews officials sometimes equated the prosperity of major corporations (usually with staff drawn from both Anglophone and Francophone sectors of Quebec society) with the well-being of the English-speaking community of Montreal.
- b. The long habit of dealing with issues in the context of the earlier OLA 1969 led a surprising number of officials to confuse entirely the issue of support to French-speaking minorities outside Quebec with measures to serve French-speaking residents of Quebec. Less frequently, programs serving mainly English-speaking

⁴ The item asked respondents to deal specifically with four groups: French-speaking communities in western Canada, the French-speaking community in Ontario, Quebec English-speakers living outside Montreal, and the Montreal English-speaking community.

provinces were confused with those designed to meet the specific concerns of English-speaking citizens in Quebec.⁵

4. Lack of information about minority official language communities is a major obstacle in contemplating Part VII implementation measures that would be taken to remedy disadvantages. For example, in agencies concerned with science and research, few respondents were aware that Francophones outside Quebec suffer from extremely low participation rates as "doers" of science. The initial response in direct interviews was usually — indeed, almost always was — to transpose the issue and respond in terms of policies that provide equitable participation to French-speakers from Quebec. A significant proportion of interviewees viewed equity measures for official language minorities in the same context as those of other groups — visible minorities, women, those with physical handicaps and so forth — with perhaps the difference that the officials appeared less aware of the case for equity measures for official languages groups.

5. Lack of information on the implications of the Part VII commitments and on the needs of official language minorities seriously affects the capacity of senior public servants to visualize new program initiatives to implement Part VII or to assess the implications of existing programs in terms of their effects on the official language minorities. This was particularly the case when dealing with broader societal impacts of the activities of federal institutions, i.e., when viewing the "big picture" as opposed to how a single, discrete project might operate. For example, in departments which annually expend hundreds of millions of dollars, officials found it difficult to come to grips with issues such as the benefits accruing to different groups from procurement, grants or other by-products of major general purpose programs. Information gaps are, no doubt, partly responsible for the lack of imagination shown in the telephone survey when respondents were asked to suggest additional measures their institution might undertake (see C-1. above).

Prior to the measures ensuing from the Government Part VII application strategy adopted in August 1994, no systematic effort has ever been made to inform responsible decision makers and program managers of their responsibilities under Part VII of the OLA. In the implementation of the Government strategy, which began before the end of the year, the Department of Canadian Heritage provided useful information on minority official language communities to the 26 designated institutions. *Federal training programs related to the official languages, however, still provide almost no information either on Part VII or on the official language minorities of the country.* In particular, training on the Part VII commitments is still not included in the programs conducted under the aegis of the Canadian Centre for Management Development or of the Public Service Commission.

⁵ Programs serving the majority official language groups in the various provinces may well have positive benefits for the corresponding minority official language groups elsewhere in the country by advancing the status of English and French throughout Canada. The point at issue is lack of clarity in distinguishing the main targets of programs.

Recommendation: The Canadian Centre for Management Development should design an appropriate series of encounters for Deputy Ministers, Assistant Deputy Ministers and senior executives from federal agencies in order to permit them to acquire full familiarization with issues related to Part VII and its implications for governmental activities.

Recommendation: The Privy Council Office should take measures to ensure that, through the concerted action of all appropriate agencies, immediate training measures are taken to reach personnel whose roles are most important in ensuring the success of leadership exercised by central strategic departments (Treasury Board, Justice, Canadian Heritage). Among the primary target groups for such training are legal staff of the Department of Justice who serve in an advisory capacity to other departments and persons in strategic roles in key departments who are charged with preparing policy decisions related to government restructuring.

Recommendation: All training programs related to Part VII, including those which need to be developed by the Public Service Commission, should give a prominent place to information on, and understanding of, Canada's minority official language communities, particularly including reference to available data permitting understanding of historical and contemporary inequities (e.g., relative weakness of educational opportunities, lack of business infrastructures in Francophone communities, need for French as a job skill in Quebec, demographic shifts, including assimilation, disappearance of economic opportunities through marginalization of activities such as commercial fishing, small-scale agriculture, etc.).

Recommendation: The Treasury Board Secretariat should ensure that Part VII considerations are well reflected in the information and direction it provides on federal official languages policies to federal managers, including in such publications as the Manager's Handbook, to federal employees and to members of the public. It should also take immediate steps to ensure that its regular programs related to the official languages include explicit training on Part VII of the OLA and provide all participants with a general grounding in information related to minority official language communities and their needs.

D. Developing Management and Information Systems

A government-wide commitment to implementing Part VII of the OLA 1988 requires that a management process be put in place that will satisfy certain minimum criteria.

MINIMUM CRITERIA FOR MANAGEMENT SYSTEMS

- a. Clearly defined accountability of institutions and individuals for achieving results.
 - b. Co-ordinated procedures to ensure systematic use of Part VII as a criterion in decision making of all federal institutions, including decisions on:
 - initiation, preparation and approval of legislation and regulations
 - policy review and setting of new policies
 - program review and evaluation, program initiation and adoption
 - program expenditures, including general procurement strategies
 - allocation of human and physical resources.
 - c. A valid and reliable performance evaluation system with measures to ensure regular disclosure of results to Parliament and the public.
 - d. A government human resources development strategy to provide awareness programs and adequate training to those officials in federal departments, agencies and Crown corporations who play a key role in implementation, particularly for those in senior managerial roles concerned with decision making (see b above).
 - e. A public accountability strategy that recognizes the fundamental importance of official languages issues in Canadian identity and the need to permit ongoing interaction between federal institutions and the minority official language communities, whose vitality and development are to be actively supported and assisted.
-

The establishment of a ministerial accountability framework by Cabinet decision in August 1994 is the first step towards meeting these criteria. We have pointed out that efforts by the Department of Canadian Heritage to stimulate the putting in place of management processes for interdepartmental co-ordination had been hampered by the absence of clearly-defined Cabinet policy prior to August 1994. Without prejudging the long-term results to be obtained through the new strategy for implementation, our study identified major areas of ongoing concern:

1. As noted earlier, measures to implement Part VII were not mentioned in any of the key policy and programming documents published by any federal institution examined in the study, with the exception of the Department of Canadian Heritage. In other words, the institutions' objectives did not include measures to implement Part VII. In consequence, none of the federal institutions had in place a comprehensive management process for dealing with Part VII commitments.

2. In the key institutions selected as part of the new strategy of implementation, the main mode of response to the new Cabinet policy was through the definition of one-of-a-kind projects or program initiatives with short-term impact. The institutions placed little emphasis on creating management processes which would establish implementation of Part VII as a fundamental component in decision-making.

3. With the exception of certain branches of the Department of Canadian Heritage, no federal institution was in a position to provide information about the impact of its programs on minority official language communities. No federal institution has developed a comprehensive monitoring system for measuring the effects of programs on either of the Section 41 commitments. *In the absence of appropriate information regarding the effects of programs on the vitality and development of minority official language communities, federal institutions are not in a position to be accountable for their results in meeting the objectives of Section 41 of the OLA.*

4. **Statistics Canada** is a major source of information for all agencies of government. For many topics related to the status and use of English and French in Canadian society and on the vitality and development of the official language communities, Statistics Canada provides uniquely valuable information; on many, the agency is "the only game in town". Unfortunately, the information gathered on relevant topics has been selected in the light of criteria other than that of giving full effect to Part VII of the OLA. In the absence of strong governmental leadership in the past, the difficult budgetary constraints affecting programming decisions have not been counterbalanced by consideration of the needs of Parliament, federal institutions and the public with respect to accountability for meeting the commitments of Part VII. During our study a variety of unmet informational needs have been identified by different parties to implementation (including the Commissioner of Official Languages, in terms of his obligation to ensuring compliance with the intent of the Act set forth in Section 41, and to report to Parliament). These needs must be reviewed on a multilateral basis, within the framework not only of the general mandate of the institution but also of the obligation imposed by Part VII of the OLA on the Government of Canada as a whole, and on Statistics Canada.

5. Studies by researchers and consultants, carried out for the Department of Canadian Heritage and the Office of the Commissioner of Official Languages, have provided initial ideas for monitoring development of minority official language communities and the advancement of English and French. These have been complemented by other analyses in the Department which should furnish a basis for instituting a review of information needs, both short-term and long-term, to ensure effective accountability in achieving both objectives of Part VII.

Recommendation: An interagency review should be instituted immediately to study the measures required for developing both government-wide and institutional information systems to permit evaluation of results in implementing Part VII of the OLA 1988. Participants should include the Privy Council Office, the Department of Canadian Heritage, Statistics Canada, the Treasury Board Secretariat, the Department of Industry and the Department of Human Resources Development. The Treasury Board Secretariat should play a lead role in defining the relationship between the information systems and the management systems it develops and in indicating how these can serve to implement Part VII. In particular, indicators of the effects of federal programs on the status and use of English and French and on minority official language communities are needed to permit review of the consequences of targeted programs and of the social effects of broader spheres of activity, such as the differential incidence of procurement strategies (e.g., on development of business infrastructures in minority communities), of taxation and social welfare policies (e.g., on individuals and on the infrastructure of social institutions serving minorities in their official language) and human resources development (e.g., on participation by minority group members in science, industry, technology, etc.).

Our discussion of central leadership has emphasized the roles of Privy Council and Treasury Board in structuring and monitoring the quality of decision-making and management processes throughout the federal government. In the light of our recommendations for their action, it is important to emphasize here the responsibility of **all federal institutions** to give full effect to Part VII of the OLA 1988.

The clearly stated *intent* of the Act is that every federal institution, in exercising its mandate and conducting its affairs, take all measures required to "enhance the vitality of the English and French linguistic minority communities in Canada... and foster the full recognition and use of both English and French in Canadian society" [OLA, Section 41]. Each institution's responsibility is proportionate to the relative impact that its activities may have on the vitality and development of minority official language communities and on the full recognition of the status and on the use of English and French in Canadian society. With respect to the tangible obligations arising from Section 41, they vary from one institution to another and, indeed, for a given federal institution, from one program to another. While the activities of a number of federal institutions may have only limited impact on the vitality of official language communities that form a minority within their respective province or territory of residence, we found none whose activities could not foster the status or use of the official languages in society.

The documentary review that we conducted as part of our investigation did not reveal the existence of an implementation policy for the twofold commitment set out in Section 41, either within the federal government in general prior to August 1994, or in any of the 58 institutions that were the subject of our study. The mission statements, strategic plans, budget documents, particularly Part III of the Expenditure Plan, the annual reports and even the official languages policy, as applicable, of each institution were examined. In the end, we were unable to find a single statement of principles clearly indicating the intentions of a given federal institution as to what **it intended to do** to give effect to these statutory commitments of the Government of Canada, or as to **how** it proposed to do so; nor was there anything about the assignment of responsibilities to senior line officials for implementing such principles and intentions.

Recommendation: All federal institutions — including but not limited to the "key institutions" chosen for immediate assistance and follow-up by the Department of Canadian Heritage — should institute a review of their programs and policies in order to develop an implementation scheme ensuring they are meeting their obligations under Part VII of the OLA 1988. It should be emphasized that the responsibility to take the initiative for such reviews lies with the federal institutions themselves and is an obligation which derives from an Act of Parliament given Royal Assent more than seven years ago.

Recommendation: Institutional responsibilities for ensuring a co-ordinated approach to meeting the Government of Canada commitments in Part VII of the OLA 1988 should be assigned at senior levels of decision-making and line management of institutions.

Recommendation: Within the framework of general directives provided by central agencies of government regarding management and decision-making processes, the implementation schemes adopted by individual federal agencies should seek to meet the criteria enunciated above. Special attention should be directed to taking short-term measures to provide data for decision-making with respect to impact of programs on minority official language communities.

Recommendation: Objectives for implementing Part VII should be integrated into the operational plans of all federal institutions. The integration should include, but not be limited to, the corporate plan, budget estimate expenditure plans, sector-specific work plans and the operational plans of relevant line managers.

II. SECTORS OF PROGRAM IMPACT

In reviewing the impact of Part VII of the Official Languages Act 1988, it became obvious that an institution-by-institution approach would yield a fragmented vision of issues and blur the overall picture with excessive detail. In the following section, after reviewing background assumptions on program objectives held by senior executives with respect to institutional implementation of Part VII, we address three major sectors of governmental activity: (A) cultural development, (B) economic and human resources development and federal procurement, (C) regulatory, representational, and other activities.

BACKGROUND ASSUMPTIONS HELD BY SENIOR EXECUTIVES ON PROGRAM OBJECTIVES

Our review raises a fundamental question: What were the causes of the very limited implementation of Part VII during the period 1988-1994? In the previous section of this report we addressed the accountability of central leadership, which is part of the answer. Even without strong central direction, however, the commitment to action legislated by Parliament in Part VII would appear to be binding on federal institutions. Thus, a corollary question arises: how could a situation come about in which most federal institutions showed almost no independent initiative to take measures to implement a clear and solemn commitment of Parliament?

Part of the answer to these questions appears to lie in "the Law of Unintended Consequences". Programs supporting official language minority *associations* have been in place in the Department of the Secretary of State (today the Department of Canadian Heritage) since the beginning of the 1970s. They were created in part to make up for the benefit deficit minority communities were encountering each year in the area of their provincial government programs and services. Progressively, however, their very existence became the main reason why those responsible for other federal institutions came to adopt a universal answer when facing minority official language *community* needs: "The Department of the Secretary of State is looking after them." Federal institutions came to believe that they had little or no responsibility for that category of citizens.

The answer to these questions also appears to lie primarily in other assumptions made by senior executives and program managers about the nature of the programs for which they are responsible in relation to the objectives of Section 41 of the OLA.

1. As noted in the previous section, federal training programs have provided public employees with almost no awareness programs or formal training, either about the implications of the Part VII commitments or about Canada's minority official language communities. As a result, except for senior executives who are members of one of these communities or for rare individuals who had developed extensive knowledge on their own initiative, the baseline of

knowledge about minority community characteristics and needs is extremely low.

2. COMPAS's structured telephone interviews of a large random sample of senior executives revealed widespread sympathy for minority concerns (See Appendix E). The context of this empathy was revealed by an item in the same survey that asked executives to score the persuasiveness of "a variety of rationales given a department/agency/Crown corporation to take action favouring the rights and claims of official language minorities." The most persuasive rationales were based on contributions of minorities to Canada's unity and on the role of language duality as "a central component of our country's identity." The lowest ranked rationales were that "the English and French language minorities are each larger in population than several Canadian provinces" (bottom ranked) and that they are "persuasive interest groups". In short, the contribution of minorities to the over-all well-being of the country was rated highest.

3. The implications of the rankings of unity and language duality as rationales for action are made more evident by an item of the telephone interviews in which senior executives were asked to rank the importance of several government objectives --- contributing to economic growth, controlling the deficit/debt, providing public sector services efficiently and effectively, enhancing our linguistic duality, insuring integrity in government, and national unity. In the responses, deficit and debt control was ranked highest; four other objectives were ranked marginally lower; linguistic duality was ranked last by a major margin of difference. In the perception of senior managers, the unity issue would appear to be strongly linked to the role of Quebec within Confederation, whereas linguistic duality (in which official language minorities are the crucial ingredient) is in a distant last place.

4. During the direct interview phases of the study, various senior executives repeatedly cited programs serving Quebec Francophones (less often those serving English-speaking Canadians outside Quebec) as being programs that implemented the objectives of Section 41 of the OLA. *The pursuit of English-French duality through French programs mainly serving Quebec and English programs mainly serving other provinces and territories, appears to be an entrenched vision of the main practical implications of official languages policies and the OLA.*

5. Lack of knowledge of minority official language communities seriously affects the vision of how federal programs relate to those communities. During an interview the head of a major cultural institution repeatedly rejected the idea that minority official linguistic communities might be viewed as cultural groups comparable, for example, with Mennonites or Aboriginal/First Nations peoples, noting that the institution in question did not deal with "language issues". The example is cited here to underscore the fact that even those trained in cultural issues have difficulty conceptualizing the social bonds that are the fabric of our minority official language communities. It is not surprising, therefore, that in a random sample of more than 550 senior executives, when they were asked to say what initiatives their institution could undertake to implement Part VII of the OLA, the two most common responses were "no idea" (23%) and "nothing needed" (20%), and that almost none suggested any measures directly intended to enhance the vitality and support the development of minority official language communities.

6. The direct interviews in our study probed in depth the views of senior executives on means of program delivery to minority official language communities. Two dominant themes emerged:

- (a) Senior executives and program managers felt most comfortable in dealing with concrete visions of communities in terms of a specific grouping of people living in one narrowly bounded geographic area. Provided they could visualize the community as living in a single locale, they felt comfortable discussing how to design programs and how to evaluate their success.
- (b) Once a community was visualized in geographic terms, the community members affected were discussed mainly in terms of how they related to lower levels of government; the community was viewed as being part of a municipality and a grouping of communities was always envisioned as being part of a province. Program delivery considerations were primarily discussed in terms of how to reach **citizens of a province** (or residents of a municipality or similar jurisdiction); visualizing program needs and program delivery was difficult when discussion switched to viewing members of minority official language communities in a broader geographic framework as **citizens of Canada**.

Dealing with programs in relation to different jurisdictions is understandable in a country often preoccupied with relations between different levels of elected government. However, the members of the minority official language communities are often "diluted" in a majority population which dominates the political, social, economic and cultural environment where they live. As a result, a narrow geographic and jurisdictional view of their communities is extremely problematic as a basis for designing and delivering federal programs.

7. Taken together, the considerations listed above constitute a *prima facie* explanation of the factors that have caused most federal institutions not to take independent initiatives to give effect to the commitments of Part VII of the OLA 1988 in their programs.

Recommendation: The following are the main assumptions that need to be inculcated through training programs and applied in practice as a basis for needs assessment and program design and delivery:

- a. Minority official language communities are made up of citizens who, in large numbers, choose to belong to those communities' institutional and organizational networks. Their eligibility for consideration in the delivery of federal programs depends solely on their rights as citizens of Canada, not on the policies, laws or assumptions of the majority populations of the provincial or municipal jurisdictions in which they happen to live at any given time.

- b. Whereas Canada's one English-speaking official language minority lives in a single province, the French-speaking official language minorities are widely distributed across the remainder of the country. The definition of needs for official language minorities should be undertaken on a broad geographical basis, unconstrained by the limits of local jurisdictions.⁶ Designing methods of program delivery to meet those needs should, of course, take into account the eventual complementarity with programs of other jurisdictions and the possibility of co-operative endeavours that will result in greater benefits to the minority communities than if federal programs were delivered independently.
- c. In the case of minorities of both languages, due recognition should be given to the fact that, in terms of assessing the relative merits of their claims to federal services and benefits deriving from federal programs, their combined demographic weight is greater than each of six provinces and the territories.
- d. During the past several years, equal budget reductions have repeatedly been applied across most government programs. Applying uniform percentage reductions, however, may have had unequal impact and more detrimental effect on many English-speaking and French-speaking minority communities. The sense of fairness that there is in reducing budget allocations equally is often misleading for groups who are at a disadvantage. This is especially the case for minority official language communities who are more vulnerable and still have substantial catching-up to do in many areas falling under federal policies and programs. Recent program and organizational restructuring may only have compounded the equity problem arising from such benefit deficits. Fulfilling the requirements of Part VII in the context of further reduced overall resources may, on the one hand, prove challenging. On the other hand, since these Canadians who live as members of minority official language communities still represent only a modest part of the population of their country as a whole, redirecting only a small portion of program expenditures is all that is required to succeed.
- e. Only rarely do members the minority official language community in a province constitute a majority within the local area or jurisdiction where they live, and often their relative numbers in the population at large are rather small. As a result, the simple concept of "community" as a group of people living together in one locality and presumed to control their

⁶ Not only is the jurisprudence on the matter of jurisdictional boundaries and citizen needs under federal law unequivocal, but this reasoning has been successfully applied across the land in providing minority educational services and management at the primary and secondary level.

local government is an appropriate basis for measuring the need for or the impact of programs on community development. For such minorities, "community development" means reinforcement of institutions or organizations that usually are not linked to a political jurisdiction or entity. These organizations include, but are not limited to co-operatives, associations, private businesses in the large society controlled by community members, minority professionals and businesses serving the community, and the infrastructure of public institutions providing services such as education, health, and other social services, to members of the community in their own language.

- f. The conceptualization and design of federal programs must be based upon a vision of Canada in which measures to "advance the equality of status and use of English and French in Canadian society" (Section 43) do not implicitly advance the equation:

"French = Quebec"

while

"English = rest of Canada".

Whereas the positions outlined in this section are based on acknowledged principles underlying Canadian federal policy, the failure of federal institutions to take independent initiatives to give effect to Part VII of the OLA in their programs indicates that the ideas have not yet been fully integrated into the working habits of these institutions.

A. Cultural Development

The purpose of this section is to review the implementation of Part VII by federal institutions involved in cultural development. As a sector of federal governmental activity, cultural development extends far beyond what is usually understood by the term "arts and culture", having two additional aspects, one oriented towards industrial/commercial activity, the other towards community development.

Cultural development covers vast sectors of **industrial/ commercial activity**, including public broadcasting and all aspects of the use of media for leisure or information — areas usually called "industries": film industry, music industry, recording industry, publishing industry, and so forth. Even though some aspects of federal activity in these sectors are the responsibility of other departments of government — such as the Department of Industry for certain aspects of manufacturing linked to media creation and dissemination, or federal science agencies for research and technological development — the bulk of federal programs related to cultural

development have been grouped in the portfolio of the Minister of Canadian Heritage. A portion of the related programs is directly administered in the Department of Canadian Heritage proper; but a number of key institutions have separate autonomous status, reporting to Parliament through the Minister. The latter include: Canada Council, Canadian Broadcasting Corporation, CRTC, Canadian Museum of Civilization, National Arts Centre, National Film Board, National Gallery of Canada and Telefilm Canada (Canada Film Development Corporation).

When the affected communities have a distinctive culture of their own, cultural development is an integral part of **community development**. Thus, measures to promote the well-being of Canada's minority official language communities, even if they are in "non-cultural" spheres such as stimuli to private businesses or providing health services, constitute a direct contribution to community vitality and, thereby, to the vitality of the minority culture.

The Department of Canadian Heritage has a broad mandate covering most aspects of cultural development. The community development aspect of cultural development is recognized in the departmental structure through the existence of a branch responsible for Official Languages Support Program; this branch falls under a program sector on Citizenship and Canadian Identity. The branch administers most of the modes of direct assistance which are available in the Department to facilitate the development of minority official language communities. The assistance may be either direct, through support of community organizations, or indirect, through assistance to and co-operation with a variety of partners ranging from provincial governments to non-governmental organizations.

An internal evaluation of one component of the activities of this branch — the Promotion of Official Languages Program — was completed in 1993.⁷ Because the review explicitly included consideration of the fulfilment of the objectives of Part VII of the OLA, it is *not the intention of our report to retrace the steps of the evaluation or to reconsider its findings*. The evaluation found that programs that account for some 98% of funding were highly effective and relevant. The most critical evaluative comments were addressed to (a) *Support for Linguistic Duality*, (b) the component of *Interdepartmental Co-ordination*, responsible for facilitating implementation of Part VII objectives by other agencies of the federal government, and (c) *Intergovernmental Co-operation*, responsible for relationships with provincial governments. The criticisms related to (b) and (c) involved, respectively, the unwillingness of other federal institutions to implement activities in support of Part VII objectives, and the unwillingness of some provincial jurisdictions to co-operate in providing services and support on an equitable basis to minority official language communities. The criticism regarding support for linguistic duality involved an impossible choice: on the one hand, insufficient money was felt to be spent on promoting

⁷ Department of the Secretary of State of Canada, *Evaluation Synthesis: Promotion of Official Languages Program*. Ottawa: Audit and Evaluation Branch, DSS, June 1993. The evaluation dealt with the Promotion of Official Languages Program and was carried out when the Branch was still a part of the former Department of the Secretary of State. The evaluation did not, therefore, include consideration either of the Official Languages in Education Program nor of any of the other aspects of cultural development which were managed by the former Department of Communications and have now been transferred to the Department of Canadian Heritage.

linguistic duality among provincial *majorities*, but finding the money would require cutting back assistance to the organizations serving *minorities*. *"For most minority organizations receiving federal funding, the subsidies are a 'decisive factor' in their activities and alternative sources of funding do not exist".*⁸ Since then, however, successive cuts totalling 23% have already been applied in grants and contributions, including (without consideration of the objectives set by Parliament in Section 41) to programs which today fall under the Official Languages Support Program; it remains to be seen how the Government of Canada will succeed in demonstrating that reduced financial assistance to minority organizations from these Department of Canadian Heritage programs can nevertheless result, through more effective management, in better support for the development of minority official language communities⁹.

Intergovernmental co-operation in the area of official languages has developed along two axes. In the first, which was initiated shortly after the proclamation of the 1969 Official Languages Act, the federal government, under the Official Languages in Education Program, shares the additional costs incurred by provincial and territorial governments in providing minority language education and majority second-language instruction. Five-year umbrella agreements, under what is called a Protocol for Agreements signed between the Secretary of State (now the Minister of Canadian Heritage) and the Council of Ministers of Education, Canada, and annual bilateral agreements form the basis for the program's administration. This program, which over the years has accounted for close to half of all federal funds allocated to official languages, has been such a success that it has often been cited as a model of intergovernmental co-operation in an area of provincial jurisdiction. This probably explains, in part, why the program has remained essentially the same in the course of the last 15 years while in terms of the program's "purchasing power", federal funding reached a peak in fiscal 1987-1988.

Major changes occurring in the legislative environment which forms the basis of the Program may not have been sufficiently noticed. Far-reaching official language minority educational rights were granted on April 17, 1982, following the adoption by Parliament and by all provincial legislatures (except the Quebec National Assembly) of Section 23 of the Canadian Charter of Rights and Freedoms. New major official languages legislation was tabled in the House of Commons in June 1987 and Part VII of the (new) Official Languages Act came into effect on September 15, 1988.

Recommendation: The Department of Canadian Heritage should view the Official Languages in Education Program, a component of its recently (partly) redesigned Official Languages Support Program, as a key means to giving full effect to the intent and spirit of Section 23 of the Canadian Charter of Rights and Freedoms and

⁸ Ibid., p. 19 [emphasis in original], cf. also pp. 25-27.

⁹ Following a thorough program evaluation in 1977, it had been decided that funding for minority official language community organizations needed to be increased to \$75 000 000 by 1982. Not only was this level of funding never reached, but according to the 1995-1996 budget, it stood at \$22 988 000, in current dollars.

of Part VII of the Official Languages Act, and should take the necessary steps so that current multilateral and bilateral agreements, upon renewal, become more effective tools in ensuring full implementation of both commitments set out in Section 41 of the Act.

The second area of highly successful intergovernmental co-operation in areas of provincial jurisdiction, developed at the same time as the 1988 Act, is the provision of provincial and municipal services in the language of the minority official language communities. By the end of 1988, a five-year general agreement designed (in accordance with the terms of Section 16.(3) of the Charter and of Part VII of the Act) to ensure the equitable advancement of English and French in Canadian society, along with subsidiary agreements focusing specifically on minority community development, had been signed for the first time with New Brunswick, Yukon, Prince Edward Island, Saskatchewan and Ontario. In 1989 Nova Scotia signed a multi-year general agreement with the federal government. That was followed by the Canada-Quebec accord on the implementation of Bill 142, which guarantees access to social and health services in English, and agreements of more limited scope signed with Manitoba, the Northwest Territories and British Columbia. These initial accords have all been evaluated, updated and renewed since 1993, and a five-year agreement has also been signed with the Newfoundland Public Service Commission to help finance the establishment of a translation bureau and language training for provincial public servants. This forms another foundation upon which to build, focus and expand intergovernmental co-operation so as to enhance the vitality, and better support the development, of English-speaking and French-speaking minority communities.

The present review concentrates primarily on the implementation of Part VII by federal institutions in three major operational contexts:

- a. promotion of arts and culture, narrowly defined as stimuli to artistic creation and support for institutions that facilitate access to creation, such as theatrical companies, orchestras, etc.;
- b. cultural industries, primarily those concerned with production and distribution/communication of products of "cultural consumption", through means such as films, audio and video recordings, radio and television broadcasting, computer networking and print publishing;
- c. providing public access to cultural aspects of Canadian heritage and symbols of Canadian identity, particularly through public institutions such as museums or parks.

In recognition of the close relationship between cultural development and issues of Canadian identity which is reflected in the 1993 government restructuring decisions, the present review touches on the implications of related programs in the Department of Canadian Heritage, in particular those of Parks Canada and Sport Canada.

Our findings are:

1. During the study of cultural development institutions, we found instances where programs and projects had been designed to take into account the needs of minority official language communities or where other types of activities or policies contributed to furthering the objectives of Section 41. Our study seeks to recognize the positive aspects of such activities but, at the same time, also analyses the extent to which the activities represent (a) a *conscious* effort to implement Part VII and, especially, (b) a **sufficient** effort in the light of the objectives of Part VII. The typical situation is very mixed: a given program, for example, might exist without having been conceived as an implementation of Part VII and might be the exception to the general rule of non-implementation in an institution; or one or more programs might have been designed to meet the objectives of Part VII but might be quite insufficient by comparison with the overall mandate of the institution in the context of the Government of Canada commitments made in Part VII. In a number of instances we encountered programs that were consistent with furthering the objectives of the OLA, but they had been in operation prior to 1988 and were later cut back or eliminated without consideration of the objectives set by Parliament in the OLA of that year.

2. In beginning any discussion of the cultural development sector, special mention should be made of the **Canadian Broadcasting Corporation**. Because of its mandate, the CBC has played a major role in developing access of official language minorities to broadcasting in their own language and with Canadian content. Because alternative broadcast media in the French language are virtually non-existent in most parts of the country, the contribution to Francophone community vitality by the CBC has been critical, and the gradual implantation of a Canada-wide broadcast network in the last 25 years has major practical and symbolic significance. The CBC has been one of the rare federal institutions which, steered by CRTC rulings, has played a major role in promoting the vitality of minority official language communities. The communities have also been able to benefit over the years from the often exceptionally active participation of the CBC regional and local station personnel to their community life. It is odd to note that the CBC mandate (and almost all the expansion of minority access to its services) dates from before the passage of OLA 1988. RDI, even if it came on the air some six years after its English language counterpart, Newsworld, is an exception; for slightly more than a year now, minority communities have been able to see themselves and be seen by others, and in positive and valorizing terms, as never before. Given the positive aspects of the CBC record, it is unfortunate to note the extent to which cutbacks have more recently affected services to official language minorities, particularly Francophones.¹⁰

¹⁰ In view of the persistent difficulty of the CBC in appropriately serving French-speaking minority communities according to its mandate, the CRTC requested in its decision of February 26, 1987, that the CBC carry television needs analysis and produce a detailed action plan. It requested the same for radio the following year. The resulting five year plans, designed to provide access for all of Canada's minority official language communities and to both cover and illustrate various dimensions of the life of the communities, was estimated to cost \$80 615 000 for television (1988), spread evenly between capital and operating expenditures, and \$23 643 000 for radio (1990). It was never implemented. Furthermore, budget cuts to television services which were provided in 1991 have resulted

Recommendation: The restructuring of CBC operations to meet financial constraints should be carried out in a way that does not diminish its existing services to minority official language communities across Canada. Programming and other decisions regarding service to these communities should explicitly recognize the implications of both commitments of Part VII of the Official Languages Act as a mandate to strengthen, not diminish, those services.

3. It was almost impossible to obtain accurate assessments of the extent of implementation of Part VII in the cultural sector, due to the absence of information systems in the federal institutions under study with respect to the extent of services/ benefits they provide to members of minority official language communities. The only available study is a very painstaking analysis carried out by a grouping of minority Francophone associations, the *Coalition nationale pour un financement des arts et de la culture*,¹¹ which attempted to break down federal expenditures on arts and culture. No equivalent study was available for expenditures on minority Anglophones. For those expenditure areas where data were relatively clear, namely programs where direct subsidies to the arts could be traced, the pattern of expenditures was the exact opposite of what would be expected from even a narrow interpretation of the commitments of Part VII: minority Francophones were receiving, respectively, about one-half and one-fifth the share they would have received on the basis of a per capita allocation under the Cultural Initiatives Program and the Cultural Industries Assistance Programs.

4. This situation was reported by the Commissioner of Official Languages in his Annual Report 1992, but it still remains uncorrected (See excerpt in Section 2 of Appendix F). An earlier analysis published in 1986 had concluded that criteria for accessing cultural industries assistance programs were in effect inadvertently excluding minority Francophones.¹² Our attempts to track down the facts of this and related issues had a paradoxical result. Even though the financial data were a straightforward factual issue, some senior officials spent considerable time defending the status quo and explaining the reasons for it, rather than discussing measures to rectify what appeared to be a clear case of inequity and of failure to give effect to Part VII commitments. No serious attempt was made to rebut the basic data included in the report of the *Coalition nationale pour un financement des arts et de la culture*. Whereas cultural development institutions were unable to provide our study with detailed data to corroborate or reject the findings of the Coalition, all evidence pointed to the legitimacy of its conclusions.

in the elimination of one (out of seven) regional station and in a 42% reduction in French-language programming outside Quebec (from 41 to 24 hours per week).

¹¹ La Coalition nationale pour un financement des arts et de la culture, *Pour une place plus équitable des communautés francophones dans l'expression des arts et de la culture au pays*. Ottawa: Fédération culturelle canadienne-française, 1991. It should be noted that the study was made possible by a grant from the Promotion of Official Languages Program of the Department of the Secretary of State.

¹² Daniel Thériault, *L'aide fédérale au secteur culturel: Un point du vue francophone hors Québec*, Ottawa: Fédération culturelle canadienne-française, 1986.

Recommendation: The Department of Canadian Heritage should develop guidelines for gathering and reporting data for the cultural development sector which will permit analysis of the benefits obtained by official language minorities. As an interim measure, institutions in this sector should immediately prepare summary information on their recent record in implementing Part VII in order to guide their programming in the period prior to adopting a system of uniform guidelines for data gathering and reporting in the cultural development sector.

5. During the study, with the exception of the broadcast sector (CRTC and CBC) and the Promotion of Official Languages Program of the Department of Canadian Heritage, we were presented with no evidence to suggest that consideration of Part VII or of official language minorities' needs had played a significant role in the definition of cultural policy priorities. At the level of the Department of Canadian Heritage and of the previous departments whose components were merged into it in 1993, there was no evidence that any major cultural development policies had been articulated in order to give effect to the commitments of Part VII.

Recommendation: The Department of Canadian Heritage should conduct a complete review of major policies affecting cultural development in the Department itself and — taking into consideration the framework provided by their respective statutes — in all agencies reporting to Parliament through the minister. The review should ensure that all policies on cultural development include specific and sufficient reference to Part VII of the OLA 1988 to guarantee full implementation of its objectives in guiding all programming and resource allocation decisions.

6. Our study confirmed that all federal cultural agencies have played a major role in the development of arts and culture in both official languages. Federal agencies such as the **National Film Board (NFB)** and **Telefilm Canada** (Canada Film Development Corporation) have been indispensable to the development of a domestic film industry and, because of existing policies, have ensured that this industry has a healthy and dynamic French-language component, although based in Quebec and essentially reflecting the Quebec experience. The role of the NFB as a key public producer differs from that of Telefilm Canada whose mandate is to invest (approximately \$110 million) in the production of feature film, more and more for television. As will be noted below, federal economic agencies are now giving great emphasis to information access in their support for the private sector; by respecting the requirements of the OLA for access to services in both official languages, federal economic information services are contributing to a situation where French-speaking citizens have increasing access to commercial and related information in French. The expansion of access to Canadian-made films (and videos) in French has occurred in spite of so-called market pressures and directly as a consequence of federal official languages policies. The two agencies have thus contributed significantly to enhancing language duality and the equality of status and use of the two official languages in Canadian society.

The record in terms of creation of films, as opposed to access for purposes of consumption, is less positive. The current balance of programming ensures that, in practice, French-language

film-making constitutes at least 30% of activities of the two institutions (a base level that has almost always been exceeded); with rare exceptions, most productions are aimed at, and reflect the experience of, the respective official linguistic majority — the Quebec experience in French and those of the other provinces and the territories in English. The National Film Board has, in addition, made efforts to involve members of official language minorities in its creative activities and, well before 1988, operated programs on a decentralized basis to permit participation by minority Francophones; it currently has studios for minority Francophones in Moncton and Toronto.¹³ On the other hand, since the adoption of the OLA 1988, the areas of NFB activity permitting creation by minority Francophones have been cut back. Telefilm Canada, for its part, operates in response to a mandate which is primarily oriented towards underwriting ventures that are intended to achieve commercial success. This has resulted in a situation where little attention has been devoted to minority official language communities.

In spite of their excellent record in promoting fair balance between the English majority outside Quebec and the French majority in Quebec, neither of the agencies had a policy that involved reinforcing Canada's language duality through a deliberate effort to develop new initiatives to give effect to Section 41(a).

Recommendation: It would be reasonable to set as a target that film activities in the National Film Board and Telefilm Canada should include a balance that (a) takes account of official language minorities as a proportion of the Canadian population speaking French and English and (b) reflects the intention of Parliament to foster their development — e.g., a target could be set in Memoranda of Understanding between the Department of Canadian Heritage and these agencies that at least 15% of support for French-language film-making should be for minority Francophones and a proportionate percentage of English-language film-making for minority Anglophones.

Recommendation: Telefilm Canada should reserve a portion of its operating budget to provide start-up or "seed" money to encourage the equitable participation of minority official language members in the film industry, in both technical and creative roles (production, direction, writing, acting), and to ensure in-Canada distribution of high quality productions. The program should be jointly supported with the NFB, making use of the technical and organizational capacity of the NFB to structure the enterprise and assist in ensuring its professional quality. Because of the nature of the start-up phase in developing capacity, for the purposes of this special program Telefilm Canada should depart from its usual limitation of dealing exclusively with feature-length films in order to include film products in different formats.

¹³ Because the English-speaking staff of the NFB at its headquarters in Montreal are, by definition, part of the English-language minority of Quebec, the issue of their participation in creation is posed in different terms which remain difficult to analyze in the context of this study.

7. A major opportunity exists to build on these key institutions in the film industry, together with other federal cultural agencies, in order to institute a co-ordinated system of dissemination/diffusion that will give access to cultural goods in English and French to the official language minorities of all our provinces and territories, even in smaller and more remote localities. The contours of such a system would have to be developed consultatively and might include a judicious balance between dissemination activities of federal institutions, private sector entrepreneurship, and subsidies to ensure breadth of distribution (e.g., through co-operative and other mechanisms) where market forces are unable to provide sufficient commercial incentives to reach smaller groupings of official language minorities.

Recommendation: The Department of Canadian Heritage should take the lead in developing a strategy for all major federal institutions in the cultural development sector, to ensure the existence of a co-ordinated system of distribution to make cultural goods accessible to the minority official language communities in their respective languages. Such a system should be managed through Memoranda of Understanding between these institutions and the Department of Canadian Heritage, and include adequate opportunity for the members of the official language minorities to be involved in the *creation* of cultural products disseminated through film, video and other electronic media.

The system's second major objective should be to ensure that minority creations and minority experiences are disseminated to the broad Canadian public.

8. Given the important contribution of federal agencies to promoting linguistic duality involving the English-speaking and French-speaking majorities of the provinces and territories, it is unfortunate that some major institutions continue to project an image of Canadian culture in which our official language minorities generally have an inadequate place. The **National Arts Centre**, for example, has no evident program or policy that promotes the presence of performing artists or creators from minority official language communities or specifically encourages the performance of works that reflect the minority experience. *Les 15 jours de la dramaturgie des régions* is an initiative which stands as a notable exception; it offered Francophone professional theatre groups performances from Ontario, Acadia and Manitoba in May 1995. The **National Gallery of Canada** does not appear to have a consistent policy for collection and display to ensure it reflects the contribution of official language minorities, though some artists from the communities are represented in the collection. At present, our official language minorities are not often visible in the displays of the **Canadian Museum of Civilization**. Similar remarks might be addressed to a smaller sister institution, the **National Museum of Science and Technology**, though it is necessary to recognize the much narrower scope of its focus and the consequently much smaller opportunity to give effect to Part VII by recognition of the minority experience in its display philosophy.¹⁴

¹⁴ The emphasis on science and technology in the current practice of the museum includes few considerations of social context. If a shift were to occur in the conception of the role of the museum towards greater emphasis on social contextual factors and societal impact of technology (a not improbable occurrence), then every effort should

By contrast, all three major institutions have clear policies for giving prominence to Aboriginal/First Nations cultural experiences, and all have *de facto* policies ensuring equitable representation of the self-image and cultural outlook of various minorities far less numerous than our official language minorities, such as visible minorities and ethnocultural communities of immigrant extraction reflecting cultural traits from other parts of the world. These practices are a salutary and appropriate recognition of the diversity of Canadian society; but they overlook the distinctive cultural heritage and traditions of our minority official language communities.

9. In seeking to ascertain why so little attention has been devoted to minority official language communities, our study revealed a particularly important issue of autonomy faced by institutions such as the National Arts Centre, the National Gallery of Canada and the Canadian Museum of Civilization. Each is obliged to make difficult choices and has an autonomous status which is intended to protect the professional quality of the choices made, in particular against the pressures of partisan politics or the winds of short-term public opinion.

We were informed, for example, that the main criterion for programming at the National Arts Centre was quality. Although the **National Arts Centre** has a prominent and successful program to promote representation of works reflecting Aboriginal/First Nations culture and experiences, as well as giving place to performers drawn from these sources, its administration flatly rejected any suggestion that, in a balanced program, consideration should be given to ensuring representation of Canada's minority official language communities. Only one example was given to us of involvement between the NAC and a minority official language community (collaboration with the Cercle Molière in Winnipeg), and the point was emphasized that the criterion for the involvement was solely quality. However, in discussing the programming implications of the "quality" criterion the administration noted that its policies had ensured representation of minority communities of (recent) immigrant extraction as well as of visible minorities.

The **National Gallery of Canada** is in a somewhat different position because of its mandate in the fine arts which — very specifically — is not limited to Canadian creation. The collections do include an unspecified number of examples of works drawn from the minority official language communities. Its administration expressed willingness to explore the representation of members of official language minorities and of their communities among the collections as well as the issue of representation in the long-term programming of exhibitions and special events.

The **Canadian Museum of Civilization** has little reflection of the official linguistic minority experience in its displays and presentations. Even after taking into account recent initiatives, the image the Museum projects of Canadian society is far from being commensurate with the clearly stated intent of the Act in Section 41. The administrators of the museum presented the issue as one of the professional autonomy of the staff historians who are responsible for conceiving ideas for display, seeking approval for a concept, then providing advice in the design

be made to ensure an adequate and equitable representation of the official language minority experience among those societal contexts shown.

and installation of the actual display. The administration's view was that it would be inappropriate for the institution, through its policies or through administrative action, to give direction to these independent historians in order to ensure greater representation of minority official language communities in the displays. We were informed that while English-speaking staff historians were recruited from outside Quebec, French-speaking historians came from Quebec. There were thus no historians drawn from minority official language communities.

Administrators of the institutions made it clear, however, that they would be attentive to clear policy directions offered them.

10. On the evidence, our official language minorities, comprising some 1.8 million persons, remain the "invisible minorities" of our most prominent national cultural institutions. As the practice of museography changes to include greater use of telecommunications media for access, it is imperative that our national cultural institutions — the National Arts Centre, the National Gallery of Canada and the Canadian Museum of Civilization — demonstrate through their activities a commitment to the development and support of our minority official language communities. They should actively seek to ensure that their activities reach out to minority official language communities, particularly in smaller or remote localities where there is little or no market for normal private sector distribution.

Recommendation: National cultural institutions — particularly the National Arts Centre, the National Gallery of Canada and the Canadian Museum of Civilization — should take measures with a view to ensuring that their programs and presentations are adequately and sufficiently reflecting the minority official language communities' experience, cultural characteristics and artistic creation.¹⁵

Recommendation: The National Arts Centre, the National Gallery of Canada and the Canadian Museum of Civilization should establish special distribution mechanisms (including access via telecommunications) for their collections and "products" (videos, recordings, data bases and similar cultural resources) in order to ensure that minority official language communities, particularly in smaller and more remote localities, are better served. The Canadian Museum of Science and Technology, which has already made important steps in that direction, should also adopt a similar approach in ensuring access to its collections and data bases.

11. The inclusion of **Parks Canada** in the Department of Canadian Heritage highlights the growing role of parks as a part of Canada's social fabric. Many of the major parks, buildings and historical sites managed by Parks Canada were originally designated because of their association with Canada's military history or the actions of governmental authorities. These historical aspects have tended to be emphasized far more than the relationship between the parks

¹⁵ See also the recommendation in the previous section concerning adding the Canadian Museum of Civilization to the list of key institutions targeted by the current initiative for implementation of Part VII.

and the communities which surround them. Cited in surveys as the number two reason for travel within Canada (second only to visits to relatives), the parks network (more than 700 sites, of which 113 are owned by the Government of Canada) is a key element in promoting tourism. Parks Canada is now working on a variety of themes that will be emphasized in the parks network. Topics such as fishing, ranching, manufacturing and the roles of women and of Aboriginal peoples will be a prominent feature of the framework of co-operative programs (with provinces, the private sector, etc.) serving to promote tourism and to foster thereby a better understanding of Canada, Canadian society and Canadian identity. There are good reasons in this context to include the presence of minority official language communities as a factor contributing to the development of tourism linked to the promotion of fundamental aspects of Canadian identity.

Recommendation: Parks Canada should set up a program to use the network of federal parks and historical sites to develop a broader public awareness of the role of minority official language communities in all provinces and territories. The program should be designed in close collaboration with community representatives and should ensure that minority official language communities:

- are directly associated with the management of relevant parks and sites (through some of their co-operative associations and private sector firms);
- use relevant parks and sites in their proximity for community activities (thus expanding their visibility to all visitors); and
- co-operate in the development of tourism outside the sites/parks, emphasizing opportunities for visitors to appreciate the distinctive lifestyles and cultures of the communities and to come in contact with their members.

12. The sector of **Amateur Sport** in the Department of Canadian Heritage helps promote access to athletic activities. Unfortunately, except for certain programs in Quebec, little effort has been made to promote linguistic duality in the practice of amateur sport and no significant program initiatives have been taken to give effect to Part VII of the OLA. Most sports are dominated by organizations which operate in English and make little provision for use of French. Initiatives such as the *Jeux de l'Acadie*, *Jeux de l'Ouest* and *Jeux de l'Ontario*, which permit French-speaking athletes outside Quebec to participate in sporting events organized in French, have been created in recent years. These have operated on an extremely modest scale through community efforts, with little support from the programs of Amateur Sport. Similar problems affect English-speaking residents of the Eastern Townships and other regions in Quebec outside Montreal.

Given the importance of sports in the lives of young Canadians, special measures need to be taken to strengthen the opportunities of members of minority official language communities to

participate in sports in their own language.

Recommendation: A review of the programs of Amateur Sport should be undertaken with a view to determining areas where such programs can better strengthen linguistic duality. In particular, clearly identified programs should allow members of minority official language communities to participate in events where their language is the main language of communication; the programs should have as a theme the strengthening of bonds within minority official language communities provincially and between provinces and territories.

13. The concentration of cultural institutions in the National Capital Region has already given rise to important programs that attempt to link federal, provincial and municipal cultural activities in a common framework which emphasizes linguistic duality and the diversity of Canada's cultural heritage. The **National Capital Commission** has played a leadership role in promoting co-ordinated activities such as Winterlude and the Canadian Heritage Festival at Jacques-Cartier Park in Hull. The activities of Cultures Canada have also grown rapidly, particularly through strong participation by TV Ontario and the Bravo network. Given the limited resources available for cultural activities (as compared to funding for infrastructure development in the National Capital Region), the NCC has attempted to play the role of initiator and to use its support to achieve a multiplier effect for other participants in joint activities.

Recommendation: In the framework of measures to implement Part VII, the model provided by the NCC for promotion of cultural development activities that support linguistic duality should be built on and expanded. A particular effort should be made to ensure that the activities developed on a co-operative basis in the National Capital Region are linked into a major program for using modern media to reach out to minority official language communities across Canada.

14. In September 1994, a government-wide program review process went full steam ahead. Since our investigation on implementation of Part VII of the OLA 1988 had been initiated on March 23, 1994, since 200 senior executives in some 55 federal institutions had already discussed the issues and challenges of implementing Section 41 with our Study Team for nearly two hours; and since Cabinet (following consultation by the Department of Canadian Heritage with managers in a dozen government departments and agencies in June and July, 1994) had established a new ministerial accountability framework to implement Sections 41 and 42 of the Act, it would not have been unreasonable to expect that this review would take the objectives of Section 41 into full account. Our study found little evidence that this was in fact the case. Rather than becoming an opportunity to remedy past weaknesses, it seems that the Government's program review often resulted in the further reduction of benefits minority official language communities are likely to derive from federal programs. Following the appointment of a new Chairman and of a new Director, the **Canada Council** also undertook to review its mandate, with consultations from coast to coast extending into 1995. A previous interview with the executive head of the agency had revealed a good knowledge of the situation of minority official language communities, specifically of their artistic and cultural dimensions, an exceptionally high

level of understanding of the intent and spirit of the OLA, and a strong commitment to the objectives of Section 41. In Spring 1995, however, data from the Canada Council indicated that the success rate of applications from minority Francophones during the last year had fallen from the 20% range, where it had been during the previous 4 years, to 14%, and that, disturbingly, the number of applications had also diminished.

Recommendation: In attempting to leverage more private sector dollars together with other levels of government, and in reviewing its programs and its management systems, the Canada Council, which still is the country's largest arts funding body, should ensure that minority official language communities do in fact derive benefits that are in keeping with the purpose of Part VII of the OLA. The Canada Council already has the advantage of above average data on program benefits; it should review and improve its monitoring systems and take the measures necessary to ensure that at least 15% of funding to the French-language arts community is granted to minority Francophones and a proportionate percentage of funding for the English-language arts community is granted to minority Anglophones.

15. The **broadcast sector** extends far beyond radio and television broadcasting, or even the distribution of radio and television by alternative means such as cable and satellite links. Modern digital transmission techniques are at the point of making all media interchangeable in terms of the ease of making them broadly available. As a result, the cultural implications of broadcasting extend well beyond the already significant role it plays in leisure, recreation and information. Exposed to a rapidly expanding world of communications, the citizens of Canada consciously or unconsciously have their minds and imaginations shaped by what they hear and see through the electronic media. The strength of the American presence is not totally unrelated to the fact most images projected into Canadian offices, businesses, schools and homes outside Quebec suggest a world where only one language — English — has a major place.¹⁶

In regard to the development of minority official language communities, a strong federal role is imperative to promote and project a more positive image of official language duality, not only in the traditional media of radio and television but on the growing information highway serving commerce and industry. It is vitally important that in the area of multimedia, equipment and software provide access simultaneously in both our official languages. When access in French only comes later, unilingual Francophones are denied access and are not being treated fairly. Bilingual Francophones first learn in English, then often simply find it more practical to continue in that language rather than learning again in their (initially) preferred official language. The Government of Canada which, through its departments and agencies is present throughout the country, is uniquely situated to convey to Canadians the image of a country where linguistic

¹⁶ The future impact of the multimedia dimension of the cultural sector on the status and use of English and French and on the vitality of minority official language communities can probably not be overestimated. Results of extensive research carried in the last 15 years on the relative importance of various sociological and psychological factors explaining, or contributing to, ethno-linguistic vitality in multilingual settings, including many recent studies by Bourhis, Landry & Allard providing empirical evidence in Canada, are unequivocal.

duality is meaningful. Instead of accepting that our French-speaking citizens are going to be inundated in an English world-wide network of networks, a strong effort can be mounted to ensure that virtually all citizens — even those in remote areas — have access to a broad range of communications choices in their official language.

The very existence of these new media provides opportunities for reducing geographic isolation and developing **more creative linkages among communities**, including in the same province or territory. An initiative of the Promotion of Official Languages Program (now the Official Languages Support Program of the Department of Canadian Heritage) affords a praiseworthy example. The Program has encouraged the development of over thirty community radio stations operated by official language minorities in five provinces and one territory. These community radio stations provide a focus for efforts to develop community communication networks.

In the near future, access to government services will increasingly be through electronic communication media. Such access is of strategic importance in enabling the federal government to dialogue with minority official language communities in giving effect to Part VII of the OLA. Access to modern communications and distribution systems is a fundamental instrument of community development.¹⁷

Recommendation: In consultation with the minority official language communities, a major program should be developed to promote the use of new telecommunications technology as a means of: (a) strengthening these communities by facilitating linkages between the institutions and the associations serving them, (b) facilitating broad contact between community members living in different regions and (c) improving access to the full range of services and support available from federal institutions in all sectors (not just cultural development).

B. Economic and Human Resources Development and Federal Procurement

This section reviews the implementation of Part VII by federal institutions involved in economic and human resources development.

Under the current structure of the federal government a single Department of Human Resources Development is responsible for most activities in this sector. Economic development, however, is pursued through several departments and a variety of other agencies. This section deals with

¹⁷ Several recommendations in this report deal with the use of modern communications technology to facilitate minority official language community development. All the recommendations in this regard should come together as part of a co-ordinated strategy as contemplated by Section 42 of the OLA.

both sectors because of their complementarity. Procurement strategies are also included in the discussion because of the economic impact of such expenditures not only by the federal departments and agencies but also by Crown corporations.

It should be noted that the Department of Canadian Heritage is responsible for one aspect of human resources development which has great impact on minority official language communities: the Official Languages in Education Program. This Program channels federal funds to the provinces and territories to assist them (a) in teaching of English and French as second languages in the provincial/territorial education systems (elementary, secondary) and (b) in providing elementary, secondary and post-secondary education in their own language to citizens belonging to official language minorities. This long-standing program, a keystone of federal efforts to assist in developing Canada's minority official language communities, has been extensively reviewed in other contexts and is covered in this report at the beginning of section II.-A. on "Cultural Development". It is also referred to in other parts of the report as it may interact with other aspects of federal efforts to give effect to Part VII of the OLA.

With the possible exception of the English-speaking community of Montreal, most minority official language communities are significantly disadvantaged by insufficient economic and human resources development (see Figure 1).

Figure 1

TYPICAL INDICATORS OF ECONOMIC AND SOCIAL DISADVANTAGE AFFECTING MINORITY OFFICIAL LANGUAGE COMMUNITIES¹

Economic development:

- communities dependent on economic sectors in decline or subject to large fluctuations because of changing world markets — fishing, forestry, mining and agriculture
- family incomes below average
- few large businesses under minority control
- lack of business infrastructures and a weak tradition of entrepreneurship
- comparatively high rates of unemployment
- businesses have low profile with banking and financial institutions
- lack of provincial economic programs targeted to minority needs
- minority-controlled firms underrepresented as suppliers in government procurement²

Human resources development:

- weak French-language health and social services in many provinces
- high rates of functional illiteracy (usually double provincial averages) among minority Francophones aged 40 and over
- early anglicization of minority Francophone children because of lack of access to daycare facilities and kindergartens in French
- weak community college facilities in many provinces³
- limited access to university programs in French, except in New Brunswick and eastern Ontario; lack of French-language university programs in most branches of engineering, medicine and applied sciences³

NOTES:

¹ The English-speaking minority of Montreal is to some degree an exception to most of the indicators.

² As indicated by present study; comprehensive data are not available.

³ Comparative data are available only for Ontario, where Franco-Ontarians have approximately 10%-30% of the chances of non-Francophones to enter university programs in most engineering, medical and technological disciplines. Lack of French-language community college programs meant that, until the opening, beginning in 1991, of a network of French-language community college, only a handful of Franco-Ontarians received training in technology and applied sciences (in English).
cf. Churchill, Frenette and Quazi, *Éducation et besoins des franco-Ontariens*. Vol. 2. Conseil de l'éducation franco-ontarienne, 1985.

The effect of a lack of strong Cabinet-level leadership and priority setting for implementation of Part VII prior to August 1994 was clearest in the economic and human resources development sector. Although senior executives have generally shown strong commitment to linguistic duality, human resources and economic development planning has tended to emphasize the meeting of clear targets identified within a broad framework of government priorities. Most agencies find it difficult to integrate community development into their business plans and institutional practices, and many executives were perplexed by the concept.

During the study we identified one significant example of a federal initiative that targeted economic development in communities across Canada: the Canadian Aboriginal Economic Development (CAED) Strategy. However, efforts to use this example to stimulate discussion concerning the role of federal economic departments in implementing Part VII were disappointing. Senior executives and program managers were largely unaware of the relative disadvantages experienced by minority official language communities in terms of economic and human resources development. This may explain the reticence we found to compare implementation of Part VII with the CAED Strategy. In addition, some senior executives believed that the commitment in Part VII was simply "declaratory" and had no implications for programs, particularly in the economic and human resources sector.

In spite of significant differences in clienteles, the relevance of the CAED Strategy as an analogy became increasingly apparent as our study progressed. The 1993 Report of the Auditor General of Canada reveals that the CAED Strategy has had to confront many of the same complex issues that face federal institutions in giving effect to Part VII. Indeed, in spite of much stronger Cabinet-level direction and priority setting and the establishment of management and monitoring structures, including a Management Committee of senior officials, results were not what had been expected. The Auditor General commented: "...some four years after the Strategy had been announced...there was no overall implementation plan." (p. 288) This is all the more important in that the CAED Strategy included elements lacking in the current Part VII Government implementation strategy; for example, it clearly identified funding targets for enhancing the economic development of Aboriginal communities (\$873.7 million). Innovative programs such as Head Start (\$84 million) jointly managed by the Department of Health and Aboriginal peoples and Pathway (\$300 millions) managed by the Department of Human Resources Development and Aboriginal peoples also included elements lacking in the current Part VII Government implementation strategy.

Our findings were:

1. Prior to August 1994, and with the exception of minor projects, including some partially funded by the Department of Canadian Heritage, no significant attempt had been made by any major federal department, agency or Crown agency examined in this study to give effect to Part VII commitments in the field of economic and human resources development.
2. For the purposes of Part VII, the most important federal program in the area of human resources development is the Official Languages in Education (OLE) Program of the Department

of Canadian Heritage. Since its inception in the early 1970s the OLE Program has played a major part in stimulating the response of provinces to the needs of minority official language communities. More recently, for example, the OLE Program has had a major role in the creation of three French-language colleges of applied arts and technology in Ontario, in the strengthening of the faculty of law at the University of Moncton in New Brunswick and in the development of an educational, cultural and community centre, the Centre éducatif, culturel et communautaire La Picasse, in Petit-de-Gra, Nova Scotia.

3. This study did identify a number of promising programs or projects that clearly advance the status of the two official languages in Canadian society and influence the economic and human resources development of minority official language communities. Whether such initiatives stem from conscious consideration of the commitments of Part VII of the OLA 1988 or other causes, they are praiseworthy and should be pursued. For example, **Canada Post Corporation** has developed **promising initiatives**, some of them clearly linked to its role as a "good corporate citizen". Among them is a long-term commitment to a program promoting literacy in English and French across Canada. The program includes the sponsoring of awards to individuals, organizations and businesses to recognize work on behalf of literacy. Another feature of the program is the development of a series of motivational and educational videos on literacy issues. A particular effort was made to include Francophones from Alberta, Ontario and New Brunswick.

4. In spite of an increasing number of promising projects and initiatives, which have grown more numerous in the past few months, systematic implementation of Part VII by Government of Canada departments, agencies and Crown corporations most concerned with economic and social development has yet to begin in earnest. Some activities are planned for fiscal 1995-96 and 1996-97, that is, eight to nine years after the promulgation of OLA 1988. Given the need for consultation with the communities themselves about priorities, further delays are inevitable unless continuing high-level political leadership is exercised.

5. The establishment in November 1993 of the Committee on Human Resources Adjustment in Francophone Canada was a significant step towards **co-ordinated consultation on planning of human resource development**. Initiated jointly by the Fédération des communautés francophones et acadienne du Canada and the Canadian Council for Co-operation, the Committee received funding from the Department of Human Resources Development and technical and logistical help from Statistics Canada and the Department of Canadian Heritage. It has begun developing more comprehensive statistical data on Francophone training needs, has made initial recommendations on vocational training for Francophones outside Quebec and has established consultative working groups on economic development, vocational training and cultural undertakings.

In early 1995 the Committee produced a first draft of a strategic plan for long-term human resources development of minority Francophones (Plan directeur de l'adaptation de la main-d'oeuvre de la francophonie canadienne). Regional consultations of Francophone communities in Winnipeg, Moncton, Toronto and Vancouver were followed by a national consultation in

Ottawa on April 27, 1995. A revised, strengthened strategic plan was adopted by the Committee and submitted to the Minister of Human Resources Development in the Fall. The report includes many innovative proposals, among them a recommendation concerning the establishment of a permanent national body to provide advice on economic development and human resources for minority Francophones, the *Conseil permanent de la formation de la main-d'oeuvre et du développement économique des communautés de la francophonie canadienne*, which would be supported by regional councils and community "corporations".

6. Support for the Committee on Human Resources Adjustment in Francophone Canada is one of several recent initiatives taken by the **Department of Human Resources Development** to give effect to Part VII. However, in spite of investments of well over \$3 billions each year in a wide scope of the programs delivered directly or indirectly by the federal government in human resource development, including in support of literacy programs¹⁸, no major targeted program yet exists to provide skills upgrading and training for most minority Francophones (See excerpts of Annual Report 1992 where the Commissioner of Official Languages reports on this situation in Section 3 of Appendix F). In the past, minority Francophones have generally had inadequate access to federally sponsored training in most provinces, particularly in urban areas where they constitute a small proportion of the population, although the situation is even worse in certain rural areas where many minority Francophones live and where jobs in agriculture, fishing, mining and forestry are in decline.

Increasing the availability of literacy programs in the language of the minority official language communities has special significance for implementation of Section 41 of the OLA 1988¹⁹. The transformation that occurs when an adult is learning to read and is thus gaining a totally new control over his or her life, is a profound personal development process. Major obstacles and impediments to higher levels of achievement are suddenly tumbling. New entrepreneurial forces are being unleashed. When this occurs often enough within a whole segment of society, such as would be the case with French linguistic minority communities across Canada, it suggests that a profound socio-economic development process is taking place. It is one which affords access to a whole set of new possibilities for a much more fruitful and productive life in society and to far greater participation in the life of the community.

¹⁸ Illiteracy rates among minority Francophones are often as much as twice that of the linguistic majority. This is largely due to the lack of opportunities in the past to study in their language.

¹⁹ A recent path-breaking international literacy survey has once again proven that human capital is our most precious national resource. Designed and managed by Statistics Canada, the joint survey was carried in seven industrialized countries; results were released in Paris in December 1995. They confirm the strong links between literacy skills and jobs, incomes, and economic and social success. Literacy skills affect the performance of industrial sectors, and of regional and national economies. Low-skill jobs are becoming scarcer as our economy shifts rapidly from a resource base to a knowledge base. This is particularly significant for the small proportion of minority Anglophones and the large proportion of minority Francophones living in more traditional regions, located in the periphery and focused on resources. (See: The Canadian Institute for Research on Regional Development (Maurice Beaudin and René Boudreau), *State of the Francophone Community Outside Quebec in 1991*. Moncton, May 1994.)

In recent years a variety of proposals have been advanced for devolution of federal employment training programs to the provinces. In such a context it is imperative that adequate measures be taken not only to safeguard the current guarantees of training for minority Francophones but to upgrade such training so that minority Francophones receive levels of service comparable to those enjoyed by the majority.

The same types of guarantees should be provided for Quebec Anglophones, with particular emphasis on French as a job skill.

Recommendation: The Department of Human Resources Development should undertake to develop broad, targeted programs of skills development and training for official language minorities, particularly in (a) minority communities threatened by loss of jobs in agriculture, forestry, mining and fishing and in (b) urban areas where the numbers of the official language minority are significant even if they constitute a relatively small proportion of the total population. Current programs should be reviewed and strengthened to bring the range and quality of training made available to the official language minority at a level which equals that of service provided to the majority population and, in the case of literacy support programs in French for minority Francophones, to achieve literacy levels equivalent to that of the linguistic majority.

Recommendation: The Department of Justice and Privy Council Office should ensure that transfers to the provinces/territories of federal funds or of operational responsibilities or jurisdiction over any aspect of training and human resources development programs are not authorized without strong guarantees that the range and quality of service in French to minority Francophones will be upgraded to a level equal to that provided to the relevant provincial majority.

In the case of English-language programs in Quebec, the guarantee should be that the programs offered to the minority English-speaking community will be maintained at a level equal to that of service provided to the provincial majority.

7. During the 1960s and 1970s the federal government played an active role in financing the expanding infrastructure of post-secondary institutions that now serve provincial majorities throughout Canada. This expansion, which is a fundamental feature of Canada's current status as a modern industrial nation, came about at a time when the Francophone minorities in most cases had access, at best, only to elementary education facilities in French. Often publicly funded elementary and secondary education facilities for minority Francophones were not available. Opportunities for elementary and at least partial secondary education in French now exist in all provinces and territories; this, especially where school governance has been achieved, should begin to have a positive influence on the vitality of those communities. However, in many parts of the country opportunities for minority Francophones to pursue post-secondary studies in their own language are quite limited.

These shortcomings explain why minority Francophone educational levels are below average, why some Francophone youth, having had to study in English, have been shifting to English as their home language (11% for those in the youngest age group and 35% for those aged 20-24) and why retraining programs are essential to Francophone minority communities. The recent initiatives taken by the Government of Ontario to create a network of French-language community colleges in Ontario (beginning with the Cité collégiale in 1991), with assistance from the Official Languages in Education Program, illustrate the type of co-operative effort across jurisdictions that can be pursued to provide community colleges and university-level studies for minority Francophones.

Recommendation: The Department of Human Resources Development and the Department of Canadian Heritage, in consultation with the Council of Ministers of Education Canada and with minority official language communities, should undertake a consultative study to define on a national basis the needs of minority communities in post-secondary education, vocational training and human resources development. The study should have as its objective the development of a Canadian strategy to co-operation between the federal government and the provincial and territorial government to remedy the historical disadvantages suffered by minority communities in the areas of vocational training, human resources development and post-secondary education. The strategy should include oblique delegation.

8. Our study revealed that the **Department of Health** had very little data on the relative health of minority official language communities or on the special needs some communities may have in certain areas as a result of, for example, higher seasonal employment levels, lower educational levels, or higher differential unemployment rates. The **Department of Human Resources Development** (which has assumed responsibility for nearly all of the federal government social policy and programs) was in the same situation in regard to the availability of data on social disadvantages these communities may be facing. In both cases, they had few applicable indicators and could not provide a complete picture of the current relative state of health of these communities or of their social development.

While seniors' programs seemed fairly balanced and more equitably distributed, there appears to be important imbalances in the Department of Health Community Action Program for Children. In British Columbia, for example, 25% of the \$10 million federal-provincial program funds for 1994-1996 are assigned to meet the needs of Aborigines. Although initiated two years before this agreement came into effect, attempts by Francophone parents to obtain assistance, couldn't be made to fit the program criteria. This federal-provincial agreement contains no linguistic provision.

For minority Francophones, access to daycare and kindergarten facilities in their language has a major impact on the vitality of their communities. The Department of Health and Welfare (today the Department of Health) began being sensitized, as early as the end of 1989, to the view that such facilities should be seen as a natural extension of the minority language educational facilities required under Section 23 of the Canadian Charter of Rights and Freedoms

to preserve the two official languages of Canada and the cultures they represent (see excerpts of Annual Report 1989, 1990 and 1992 in Section 4 of Appendix F). The absence of an adequate network of French-language daycare, kindergartens and other pre-school facilities often leads to the anglicization of Francophone children before they attend school. The "pan-Canadian system of French-language day-care centres" referred to in 1989 is yet to be developed. There is a clear need to provide support for minority official language communities that goes beyond funding studies of the issue. This area of responsibility now falls under the Department of Human Resources Development.

Recommendation: The Department of Health should review its programs, decision-making systems, resource allocation priorities and structures, information and internal program evaluation systems with a view to correcting existing inequities that can be identified and that have affected the state of health of those minority official language communities. It should also explore the increased effectiveness of linguistically-based institutional and community health service systems and leverage its resources and use its good offices in giving full effect to the statutory commitments set out in Part VII of the OLA 1988.

Recommendation: The Department of Human Resources Development should review its decision-making systems, resource allocation priorities and structures, information and internal program evaluation systems, including its programs in support of daycare and other pre-school facilities and services with a view correcting benefit deficits resulting from past imbalances.

9. No economic department or agency, including those departments that are principally involved in the primary sectors of the economy, the **Department of Agriculture and Agri-Food**, the **Department of Natural Resources** and the **Department of Fisheries and Oceans** (which is in a position to play a vital role in the economic development of Francophone communities in Atlantic Canada because of the strategic role Acadians have traditionally played in that industry, but is nevertheless still not part of the group of key federal institutions designated under the August 1994 Government strategy), was able to provide even preliminary estimates of the social and economic impact of its programs on minority official language communities. This fact stood in contrast to their ability to report systematically on distribution of programs and financial flows, including procurement, in terms of provinces and territories.

Recommendation: As part of the system of information developed to monitor implementation of Part VII (see recommendation above in I-D), federal institutions should routinely develop internal data on financial flows and program deployment in a format that permits analysis of their effect on minority official language communities (including minority-controlled businesses, farms and co-operatives). Data on financial flows should include procurement by the institutions. Data on jobs being advertised as requiring a command of both languages to monitor the status and use of English and French in the workplace in major urban centres (such as a modified version of StatCan's help-wanted index), and on those jobs being created

with the assistance of federal departments and agencies whose language use is expected to be primarily or substantially (20% or above) in the official language of the provincial minority, should form a part of such a system.

10. Our review of regional development agencies (Atlantic Canada Opportunities Agency (ACOA), Department of Western Economic Diversification, Federal Office of Regional Development — Quebec, Industry Canada for Northern Ontario) suggests that, except in certain areas of New Brunswick where Francophones constitute a strong majority, the evaluation of the needs of those minority official language communities is not a prominent aspect of their activities. In New Brunswick ACOA has developed links, for example, with the Conseil économique du Nouveau-Brunswick, which serves approximately 1,000 members of the minority business community. Involvement with French-speaking firms elsewhere, however, is not significant. For example, according to ACOA administrators, in its entire history the Agency in Nova Scotia has only received three requests for service in French.

The Federal Office of Regional Development — Quebec has a policy of close co-operation with provincial institutions in setting priorities. It is reviewing the emphasis it places on various activities and is collaborating with the province in what are called "regional structuring projects", and is working with regional councils set up by the provincial government. Although such a system does not exclude the English-speaking minority, no specific mechanism for consideration of minority needs has been established within the consultative framework, which mainly represents the majority. Since most programs have limited resources, there is a tendency to manage on the basis of a "wait-till-they-ask" philosophy.

Given the relative weakness of the private sector networks of minority Francophone communities in Canada, meeting the community development objectives of Part VII will require the active promotion of federal support services.

Recommendation: Federal agencies involved in regional development should review their systems of priority setting and program initiation to ensure that these include clear opportunities for developing distinct priorities and programs which primarily serve the needs of minority official language communities. The systems so developed should include provisions for actively recruiting and soliciting minority involvement, independently of the processes established for consultation with the majority.

The Community Futures Program, created in 1986, remains unique in providing a community directed, comprehensive package of both labour adjustment and economic development interventions. The responsibility for the Program has recently been assumed by regional development agencies as a result of Program Review and the Budget. At the time, the Program included a \$300 millions investment fund serving the needs of over 220 communities. The Department of Western Economic Diversification alone now administers 79 such Community Futures. While this approach to community development is well suited to many, mainly rural, minority official language communities across Canada, our study was unable to find such a community development process carried in English in Quebec or in French in the other nine

provinces and the territories.

Recommendation: All Federal agencies involved in regional development should review their Community Futures Program with a view to establishing a distinct stream of this program specifically designed to meet the needs and actively support the development of minority official language communities.

11. The Canadian International Development Agency (CIDA) supports the efforts of the peoples of developing countries to achieve sustainable economic and social development by co-operating with them in development activities, and provides humanitarian assistance. In developing and implementing Canadian co-operation activities, CIDA draws upon the expertise of its partners - individuals, colleges, universities, businesses and non-governmental organisations - across the country. Canadians thus have access to the spinoffs of more than 70% of the sums assigned to international development which are used to purchase goods and services.

Regional development agencies have an important role to play in helping regional businesses compete successfully for procurement by federal government departments, agencies and Crown corporations. However, none has a program to deal with minority firms. Indeed, it was suggested that the regional agencies are sometimes hard pressed to provide effective assistance when the procurement policies of other federal agencies routinely exclude certain sources. For example, CIDA has the reputation among Francophone businesses in New Brunswick of practising a policy of "balancing" procurement between Quebec and the rest of Canada²⁰. Minority French-speaking firms thus tend to have little chance of competing unless they act as the junior partners of larger firms based in Quebec. Discussions with senior management at CIDA revealed a strong commitment to institutional two-language capability, but the linguistic balance is seen strictly in terms of French = Quebec and English = Rest of Canada. There was little apparent awareness of the need to deal directly with the English-speaking minority in Quebec or with Francophones outside Quebec. CIDA has an annual budget in excess of \$2 billion; in 1992-93 it contracted in Canada for goods and services in excess of \$329 million and aid was seen as possibly being increased in future to improve business opportunities for Canadian firms.

Recommendation: The Canadian International Development Agency should review its patterns of procurement of goods and services and the growing institutional linkages between Canada and other countries in order to ensure that firms and organizations of minority official language communities are fully considered. (See also general recommendation on procurement in section 17 below.)

²⁰ In fact, there is among federal institutions a long-standing policy of equitable distribution of procurement, both among the various provinces or regions of Canada, and, more recently, between the country's two language communities. However a very serious problem of distributive justice remains because minority official language communities have traditionally not been taken into account in either instances. Due to their small proportion, as a minority, both in their province of residence and within their language group, they have simply been totally forgotten.

12. The same oversight with regard to minority official language community needs characterizes other key federal institutions concerned with stimulating business and economic growth. The **Business Development Bank of Canada (BDC)**, whose statutory mandate was revised in July 1995, has the most extensive network of (78) branches throughout Canada, but there is no integrated policy for promoting increased business capacity in minority official language communities. Local branches (bank managers or agents) are responsible for their own decisions and deal with customers on an individual basis. Local initiatives, such as market studies focusing on the needs of women or of Aboriginal peoples, have spread from one office to another, but without central direction. A network of ethnocultural consultative committees has been set up in major urban areas to deal with representatives of multicultural communities. Minority official language communities have not, however, been given comparable consideration.

Recommendation: The Business Development Bank of Canada should develop an integrated approach to marketing its services to firms of minority official language communities. This should include the active promotion of (a) technical expertise in identifying markets and in structuring business plans, (b) start-up funding for new entrepreneurs and (c) the identification of expansion possibilities and potential partners. The efforts of the Business Development Bank of Canada should be co-ordinated with similar activities by other federal departments, particularly regional development agencies.

13. As the federal government moves away from providing grants and direct aid to businesses, economic development agencies are more and more involved in providing various forms of technical assistance (the BDC, however, also continues to provide risk capital for small and medium-sized firms but does so on a cost recovery basis). This assistance comes in the form of training and advice on developing business capacity and the provision of information on commercial opportunities or the establishment of linkages with potential clients or business partners. With the exception of the predominantly French-speaking parts of New Brunswick and English-speaking areas of Quebec, federal development agencies tend to provide almost all formal seminars and training activities in the language of the provincial majority. **Industry Canada** business intelligence information seldom reaches minority official language communities. Specially conceived programs of *outreach* to minority Francophone enterprises are practically non-existent.

Recommendation: Industry Canada, the federal economic development agencies in each region of Canada and the BDC should ensure that active outreach programs, involving all forms of assistance, are instituted to develop entrepreneurship in minority official language communities. As an alternative to traditional income sources currently in decline, special programs should be instituted for minority communities with limited entrepreneurship experience and weak business networks.

14. Mechanisms for regional co-ordination of economic and human resources development for official language minorities are being put in place and are likely to evolve rapidly. In the

last few years the Department of Canadian Heritage has established consultation mechanisms which permit the gathering of opinions of minority community leaders and allow for wide-ranging discussions about programs and projects with potential federal partners. Implementation of Part VII has been an agenda item at some recent monthly liaison meetings of federal managers that take place in each provincial/regional setting. Regular meetings are considered important for sharing information, and help in ensuring that government objectives are met.

15. Important as current consultation and liaison mechanisms are, it is obvious that they were conceived to serve purposes other than that of ensuring that implementation of Part VII of the OLA 1988 proceeds with a co-ordinated approach in one integrated (and effective) activity. They were not conceived with a view to bringing to the same working table minority official language community leaders and senior federal officials *to focus together*, with their combined (and indispensable) expertise and determination, *on how* to give full effect to both commitments set out in Section 41 of the Act. They also fail, in our view, to address two problems: (a) long-term consideration of issues and alternatives, and (b) action on the basis of reliable and mutually understood information about program impact. The above also applies to the Department of Canadian Heritage-Minority Official Language Community Joint Committees that are being set up to administer Canada-Community Agreements in practically all provinces.

Because the associative networks of minority Francophones focus mainly on cultural and educational development and political communication, their views on economic and social issues tend not to be heard. Often there are no natural spokespersons on many human resources development issues. Conversely, the regular liaison meetings of regional directors centre either on exchanging information or on specific problem solving. Little time seems to be spent on defining long-term objectives.

Since most federal programs were not conceived with the minority official language communities in mind, programs that members of those communities find interesting and that could meet some of their needs are often considered particularly difficult to access because of misadapted or inflexible criteria. On the one hand, it may be close to impossible for federal managers to provide appropriate responses to the needs of minority official language communities when little is known or understood about these communities, their profile, their needs, their strengths and the many challenges they face. On the other hand, even the leaders of minority official language communities know too little about federal programs. It is often difficult for them to prepare their requests and direct them, in a suitable format, to the applicable programs, especially in a period of profound program restructuring and departmental reorganizations.

Accordingly, there is a need for what might be called a **Forum for Community Development**, a small deliberative body that can deal with long-term issues and would meet at regular intervals. To ensure the broadest possible community representation, the membership of such a co-chaired forum might include leaders of current provincial umbrella associations as well as other key stakeholders in the business and human resources areas. On the federal side the main requirement would be for participation at the most senior level in the province with a mandate

to focus on long-term program goals.²¹ In order to function effectively the forum would have to be open and its proceedings should be widely disseminated. Minimal secretarial support services could be provided by the staffs of the Department of Canadian Heritage regional offices.

Recommendation: To ensure adequate review of long-term objectives and alternatives for success in implementing Part VII, consideration should be given to establishing a mechanism, such as a "Forum for Community Development", in which key stakeholders from Government and the community would get together once or twice a year (perhaps more at the beginning), specifically to work together in identifying opportunities for giving full effect to both commitments set out in Section 41 of the OLA 1988. Such a Forum should be set up on a regional or provincial basis to ensure adequate minority representation from economic and human resources sectors not currently represented in associative networks. Federal officials should be mandated to discuss long-term objectives and alternatives.

While such a **Forum for Community Development** is only one model among others, it could well serve two basic needs: (a) overseeing the preparation of *dynamic* minority official language *community profiles* underscoring the communities' strengths, current or potential comparative advantages, special needs and development opportunities and (b) articulating a well-suited and focused *community development strategy*. This can best be achieved by creating a kind of joint venture which combines the knowledge of key community leaders and the expertise²² and resources of key federal executives in the province or region. The achievements of such a Forum could be complemented by setting co-chaired small *Joint working groups* which could bring together sectoral stakeholders on, for example, human resource development or procurement. A similar model might be called for at the national level.

The proposal for a permanent national-level council with regional and local affiliates, put forward by the Comité d'adaptation des ressources humaines de la francophonie canadienne, is obviously intended to deal with the type of issues raised here with respect to current consultation mechanisms. We were strongly encouraged by the efforts currently under way to strengthen consultation.

16. Most senior executives and program managers contacted in the study discussed program impact on social and economic development in terms of very limited indicators, such as potential for generating jobs or exports. Program management in terms of the objectives of Part VII

²¹ While it may be considered advisable in certain instances for improved intergovernmental co-operation and effectiveness for a senior government representative to participate, the suggestion does not include formal representation of provinces. By its nature and mandate the Forum for Community Development should permit critical discussion of objectives not included in current federal-provincial agreements.

²² The Canadian International Development Agency and the International Development Research Centre have extensive expertise in the area of economic, community and social development that could well serve towards attaining Part VII objectives at home.

requires that indicators of community development be devised that have practical utility for decision making. Managers expressed a need to have mechanisms that permit them to identify communities at three levels: (a) provincial, (b) sub-provincial (localities, regions within provinces) and (c) across provincial borders.

The need for quality information on community development is certain to be a shared concern of both minorities and federal institutions. In our study senior officials and program managers were particularly responsive to the need for accurate and regularly updated profiles of community development. Even though minority associations have developed considerable expertise in gathering the information required to put forward their program proposals and to set community priorities, giving effect to Part VII commitments requires that the federal side have its "own" data sources that are reliable and correspond to management needs. The most salient current weakness in information on minorities is in the field of economic development. Federal regional development agencies, together with Industry Canada, the Business Development Bank of Canada and the Department of Human Resources Development, have the technical expertise that, properly mobilized, could be used to close this information gap. Because of the shared nature of the problems being dealt with in community development, it is essential that the data about needs and about the impact of federal programs be shared in an open fashion.

Recommendation: The structuring of management information systems for giving effect to Part VII of the OLA 1988 should provide for development of Profiles of Minority Community Development at the provincial and sub-provincial levels which are regularly updated and freely shared among federal agencies and the respective minority communities. To the maximum extent possible, the technical expertise of Industry Canada and federal economic agencies with strong regional representation (regional development agencies, Department of Agriculture and Agri-Food, Department of Human Resources Development, Business Development Bank of Canada, and others) should be enlisted to develop reliable sources of information not currently available (see also recommendation in chapter I.-D. "Developing Management and Information Systems" regarding an interagency review of information systems and data needs).

17. The study reviewed the issue of procurement with major economic departments (such as the Department of Industry and the Department of Public Works and Government Services), the Department of National Defence, the Canadian Space Agency, the Department of Natural Resources, the Canadian International Development Agency (see also section 11 above) and various Crown corporations (Canadian National, Canada Post, Via Rail Canada). In all instances the major concern was fairness: fairness in terms of lack of bias in the procurement process *vis-à-vis* individual suppliers, and fairness in terms of equity between regions and provinces (see also footnote 20 above) as measured by gross expenditures. (All the Crown corporations reviewed have operations across Canada and include fairness-of-employment opportunities, including between both official language communities, in their concern about economic benefits. All pointed to their efforts to comply with OLA requirements as a warrant

of their fairness to official language minorities in all regions.)

On the other hand, the absence of data on procurement as it relates to minority official language communities was common to all agencies. In spite of the lack of quantified information, it was clear that the lack of infrastructure and the absence of well established networks of businesses controlled or managed by Francophone minorities contributed to the latter receiving only a minimal proportion of procurement. Since the federal procurement markets represented by the Department of Public Works and Government Services alone involve some twelve billion dollars annually, it is clear that the Government of Canada plays a major role in the economy and that the stakes for community development are high; or, phrased another way, the very small proportion of federal procurement going to firms controlled by minority Francophones, or otherwise supporting their economic vitality locally, means that their communities tend to be deprived of an equitable share in the largest single source of economic stimulus in Canada.

The federal government is committed to being fair, open and transparent in its procurement processes, including under domestic and international trade agreements. These agreements do not prevent the federal government, as a temporary catching-up measure, from creating a modest set-aside program for businesses from minority English-speaking communities outside Montreal and French-speaking communities living outside Quebec, where there is generally a lack of infrastructure, capital and training to compete adequately.²³ The federal government is also committed under Part VII to helping create much-needed jobs, companies and partnerships in these minority official languages communities who experience a disproportionately high degree of dependency on seasonal resource-based employment, including in Atlantic Canada's fishing industry which is experiencing important restructuring.

The need to make the procurement process more competitive and to improve access to government outsourcing for thousands of small businesses across the country has been clearly recognized by the Standing Committee of Parliament on Government Operations in December 1995. While there is a concern generally that small firms may be at a disadvantage and not have an equitable opportunity to bid, minority official language communities may be at a further disadvantage still in their attempts to do business with the federal government. Besides linguistic impediments, they tend not to have the same support and tradition to rely on.

Among the immediate measures suggested by several of the federal departments and Crown corporations was a systematic review of their lists of suppliers to determine gaps in representation of minority official language communities, followed by efforts to set up information systems that would attract more minority suppliers. Potential minority suppliers need to learn about business opportunities with governments, about the procurement process, about the On-Line system, about standing offers and about how to be successful in providing needed goods and services. (They also need to be able to learn about these business opportunities in their language.)

²³ A new set-aside policy for Aboriginal businesses, effective April 1, will funnel about \$300 000 000 a year to Aboriginal companies.

Recommendation: Within an overall strategy for giving effect to the commitment to support the development of minority official language communities, measures should be instituted to identify areas of federal procurement where minority-controlled firms may have interest and should, in fairness, be able to compete. The "positioning" of minority firms to compete adequately for federal procurement should be facilitated through co-ordinated programs of federal regional development agencies and of the Business Development Bank of Canada, including providing information and hands-on training sessions in the language of the minority official language communities and, as required, by programs of the Department of Human Resources Development. The same measures should be deployed to facilitate minority competition for provincial government markets for goods and services, wherever possible through co-operative programs with provincial agencies.

Recommendation: Treasury Board Secretariat should undertake a complete review of federal procurement practices (in Crown corporations and agencies as well as in departments) to ensure that measures are taken to reduce or eliminate those which may lead to systematic disadvantage or exclusion of firms owned or managed by members of minority official language communities, and, in consultation with the Privy Council Office and the Department of Public Works and Government Services, submit for Cabinet approval the creation of a set-aside policy for businesses from minority Anglophone communities outside Montreal and Francophone communities outside Quebec.

18. Rural development has taken on a very diversified aspect as Canada's economy has shifted away from its agriculture and particularly its fisheries bases. Because educational opportunities have always been relatively limited in rural areas as compared to urban centres, training and skills upgrading are crucial ingredients of economic improvement both for individuals and for communities. A considerable portion of the economic and social disadvantage suffered by minority Francophones in Canada is due to their relatively high representation in the past among those who took their livelihood from the land, the forest or the sea. Thus, to a certain extent, the future of rural development for the Francophone minorities consists in viewing it as involving human resource development to facilitate a transition to new forms of livelihood in the secondary (manufacturing) and more particularly the tertiary (service) sectors.

19. Most federal economic and human resources development agencies have some direct or indirect impact on rural development. By its mandate, most activities of the Department of Agriculture and Agri-Food are directly targeted at rural areas. As a result, the Department has a widespread network of agents who are actively involved at the local level throughout Canada. As in other economic departments, no specific policies for giving effect to Part VII commitments have yet been developed. It would appear, however, that the Department is well placed, through its experience, to work in close partnership with other federal institutions, as well as with provincial and local agencies, as part of a program for co-ordinated rural development. An existing Rural Secretariat appears suitable for providing technical support to

decentralized efforts at rural development and for liaison at the central level with other participating departments of the federal government. The Department also houses a small Co-operative Secretariat, which provides analytical services and advice on Government of Canada activities in relation to the nationwide co-operative movement. Minority Francophones have a traditional association with the co-operative movement, particularly in farming activities and through the Caisse populaires movement; so do a certain number of Anglophones in Quebec. For this reason, the Secretariat should be a participant in developing an integrated approach to rural development.

Recommendation: Programs of the Department of Agriculture and Agri-Food should be reviewed with a view to developing plans for giving effect to Part VII commitments in all provinces.

20. According to various estimates, the federal government expends more than seven billion dollars annually on the promotion of research and development, part on applied research directly applicable to economic development and part on pure research intended to advance general knowledge. The components viewed as most closely related to general scientific advancement are administered with strong involvement of the scientific community through grants councils: the Medical Research Council, the National Research Council of Canada, the Natural Sciences and Engineering Research Council and the Social Sciences and Humanities Research Council. None of the councils was in a position to furnish information on current impact of programs on official language minorities.

Given the very low participation rates of minority Francophones in scientific and technological activities — a derivative of the weaknesses of the post-secondary educational structure for Francophones outside Quebec — it was clear from our review that the issue of giving effect to Part VII raised serious issues for the councils. Since their administration of research grants is guided primarily by peer reviews of scientific quality, any attempt to target funds to underrepresented groups would require special measures. Such targeting for public policy purposes does exist, through the establishment of special budget "envelopes" on topics of strategic national interest: the government consults with the agency on the nature of the topic area and its definition; negotiated guidelines set the parameters of action, and the agency administers the funding provided at arm's length. There is a definite need for significantly more research on the most effective means of ensuring minority official language community development.

Some of the research should also be carried under the guidance of the communities' associative networks; it is sometimes advantageous to be closer to the issues. In the case of minority Francophones it would appear that an approach of simply offering money for research grants without other measures would have only limited effect, given the need to recruit and develop minority Francophone researchers and to strengthen infrastructures (such as universities) where they can work. In turn, such measures involve co-ordination with other agencies, particularly the Department of Human Resources Development and the Department of Canadian Heritage. On the other hand, given the paucity of information on many topics related to minority

communities and their development, there would appear to be considerable room for immediate research on community development and evolution in modern society so as to provide means of guiding an understanding of Part VII and its implications for all minority official language communities.

Recommendation: A task force grouping the four major scientific grant councils, the Department of Canadian Heritage, the Department of Industry, the National Research Council of Canada and the Department of Human Resources Development, along with other relevant federal agencies including the Canadian Space Agency, should review the state of minority official language community participation in scientific research and the impacts of research policies on both minority community vitality and the status and use of the official languages. The task force should develop a co-ordinated approach to strengthening, in particular, the equitable participation of minority Francophones in all aspects of scientific and technological research and development. The task force should include in its mandate the examination of federal departments and agencies which are major participants in promoting and funding scientific research, such as the Department of Natural Resources.

Recommendation: As an immediate measure, steps should be taken to negotiate between the Department of Canadian Heritage, other relevant departments and the Social Sciences and Humanities Research Council of Canada, the setting up of a strategic grants program of 10 years' duration for the purpose of stimulating research on minority official language community development and adaptation to modern societal and economic challenges, and to promote exchanges between researchers and the communities.

C. Demographic Vitality, Representational, Regulatory and Other Activities

The purpose of this section is to review implementation of Part VII by federal institutions involved in supporting Canada's demographic vitality and in representational, regulatory and other activities relevant to Section 41.

1. Enhancing the demographic vitality of minority official language communities is a key feature of supporting the vitality of the English and French linguistic minority communities in Canada to which the Government of Canada is committed pursuant to Section 41 of the Act. Demographic change is usually measured in terms of decades and centuries. Fertility, mortality, geographic mobility (immigration, emigration and interprovincial mobility) and linguistic mobility (anglicization and francization) are dynamic factors affecting the evolution of the demographic vitality of these communities. Department of Health programs and services promote extended life expectancy and better health for all Canadians; their most relevant social

and demo-linguistic dimensions are reviewed above in terms of human resources development issues.

Out-of-province migration is the single most important factor having had negative effect on the strength of the English-speaking communities in Quebec. While it has been the cause of slow demographic erosion for more than a century, its effect was considerably accelerated between 1976 and 1986. Net international migration and linguistic mobility have continued to have a positive effect on the demographic strength of the community, albeit at a lower rate in recent years, while differential birthrate, an important negative factor for decades, has recently become slightly positive. Numerically speaking, the Anglophone community in Quebec is on the decline; however, the same cannot be said of the English language. The number of people who speak it at home is significantly higher than the number of those who claim it as their mother tongue, and the proportion of English-speakers in Quebec, those capable of speaking English, has gone up slowly for the last twenty years.

Linguistic mobility, because of significant anglicization rates, is an important factor which has been hampering the vitality of French-speaking minority communities for more than a century. Favourable differential fertility rates, at play for decades, have more recently turned negative²⁴. Net interprovincial migration from Quebec is the only current factor having positive effect on the demographic strength of minority Francophones. While this demographic slippage continues, a rapid rise in the proportion of French-speakers among non-Francophones has been observed in all regions of the country since 1961. Encouraged by the increased social status of French, this proportion, although low at the beginning, had doubled, indeed tripled, outside Quebec by 1991. The increase in value attributed to French by non-Francophones may in turn have helped strengthen the determination to survive among minority Francophones.

While more and more Canada's demographic growth, because of low fertility rates, is the result of population inflows from other countries, little attention has been paid to analysing the impact of this phenomenon on the demographic vitality of minority official language communities. Few people realize that immigration is another key factor whose negative impact on minority Francophones, at least during the last 40 years, has roughly equalled that of linguistic assimilation. Majority official language communities have generally been developing reception services in major cities to help incoming families from other countries (and sometimes from other provinces) adapt to their new environment and get to feel at home as soon as possible. With the possible exception of English Montrealers, minority official language communities have generally lacked the sheer numbers and population density, and the community resources, to develop similar structures.

Recommendation: In giving effect to Part VII and in striving to providing minority official language communities with adequate opportunities to replenish demographically, the Department of Citizenship and Immigration should, among

²⁴ Minority Francophones' fertility rates are now the lowest of the four groups. Their birthrate is approaching the point of half the rate required to ensure demographic replacement.

other things, improve current reception and integration support systems, namely by establishing multi-level partnerships with the communities' associative and institutional networks.

2. The choice of institutions for review in this study was intended to provide a broad sampling of the most relevant sectors of federal government activity for giving effect to Part VII commitments. Our review found that, without exception, federal institutions were pursuing active policies of institutional two-language capability, but that since September 15, 1988 none had instituted special programs specifically intended for giving effect to Part VII commitments. Upon examination, however, it was evident that in a number of cases their incidence on community development was of a far lesser amplitude, often indirect, and that their role in promoting the status of English and French in Canadian society was generally well served by their current programs of institutional two-language capability oriented towards service to the public.

At the same time, we were also made aware of instances where systematic review of institutional policies and practices with regard to giving greater effect to Part VII would contribute to strengthening federal contributions by highlighting the importance of certain symbolic and practical actions.

Recommendation: All federal institutions, including those which do not serve the public directly, should institute the practice of regular annual reviews of policies and practices with respect to giving full effect to the commitments of Part VII.

3. Respect for one part of the OLA 1988 often enhances respect for another part. While each part can to some extent stand on its own, they remain interdependent and complementary. Together, their principles shape the spirit of the Act. Canadians who are members of an anglophone or francophone minority community are generally more sensitive to the way their language is being treated, positively or negatively, than members of majority official language communities. Lack of consideration for their language is a message at the symbolic level that most of them understand loudly and clearly. Their language being so central to their identity, any resulting damaging effect tends to persist in time. It is often impossible, in practice, to ensure the equality of use of English and French; however, it is never impossible to show equal respect for both of Canada's official languages.

Recommendation: When, in their communications with the public, federal spokespersons are prevented by circumstances from ensuring equality of use of English and French, or are not required to, they should nevertheless ensure that the two official languages receive equal respect.

4. Each part of the Official Languages Act is based on a relatively distinct set of principles and has its inherent logic. The various substantive parts of the OLA 1988 are not, however, mutually impervious. One of the relationships between Part VII and Part IV (which deals with the official language of communications with and services to the public) is a case in point. A

certain number of federal offices and service points must provide services in both official languages. It is "The Official Language (Communications with and Services to the Public) Regulations" which set in detail the rules that determine *which* federal office has such an obligation based on the principles of "significant demand" and "nature of the office" set out in Section 20 of the Canadian Charter of Rights and Freedoms. Section 20.(1) provides that:

Any member of the public in Canada has the right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament or Government of Canada in English or French, and has the same right with respect to any other office of any such institution where

(a) there is a significant demand for communications with and services from that office in such language; or

(b) due to the nature of the office, it is reasonable that communications with and services from that office be available in both English and French.

Because of their impact on constitutional rights, the Regulations defining where and under what circumstances members of the public have the constitutional right to communications and services in either English or French are adopted by the Governor in Council, pursuant to a legislative process with many steps and checks and balances which are set out in the OLA 1988. Federal managers, however, decide where federal offices and service points are located, and they define the boundaries of the area being served by each office. Since such administrative decisions are generally taken without Part VII objectives in mind, they may result in diluting and fragmenting minority official language communities, whose members are then denied access in their language to federal services available in their area. Locating a federal office within or outside an area which is recognized under the Regulations as one where there is a significant demand for service in both official languages can *de facto* create, or nullify, a constitutional right for some members of the public.

Federal managers, in consultation with minority official language community associations, also decide which office or offices of their department, agency or Crown corporation located within a given Census Metropolitan Area, are to be designated for serving members of the public in the official language of their choice. Designating a given office as having the duty to serve the public in both official languages often determines, in practice, the extent to which that office, because of its location, is indeed accessible and thus effectively serves members of the minority official language community. Once designated, depending on the relationship between the exact location of designated two-language offices and the geographical distribution and travelling patterns of members of the community within Census Metropolitan Areas and Census Subdivisions, actual demand for service in the official language of that community can end up representing a limited percentage of the potential demand in that language. Since in the case of minority official language communities, more often than not demand tends to be supply-driven, such isolated administrative decisions may impact not only on their vitality and development,

but also on advancing the status and use of the official languages pursuant to Section 16(3) of the Charter and Part VII of the Act.

Recommendation: All federal institutions should review the location and the service area of offices in Census Metropolitan Areas and in Census Subdivisions, as well as the location of federal offices designated as having the obligation to serve the public in both official languages, with a view to improving service to the minority official language communities and enhancing their vitality.

Recommendation: Treasury Board Secretariat should periodically review the overall patterns of the location and service area of two-language designated offices, as well as the geographical distribution and travelling patterns of minority official language communities, with a view to achieving better matching of these patterns and achieving more convenient and economically feasible groupings of two-language designated offices, complementing and reinforcing other services to the communities where appropriate, and thereby gaining in economies of scale, in attractive power and effective service area, and in better and more effective service to minority official language communities in conformity with Section 41.

5. Defining the boundaries of Federal Electoral Districts can also have significant impact on the vitality and development of minority official language communities. These decisions can often determine whether the specific interests of English-speaking communities in Quebec and French-speaking communities in New-Brunswick or Ontario for example are adequately reflected in Parliament. Elections Canada provides technical support services and is free to provide guidance on official languages rights and obligations to the eleven Electoral Boundaries Commissions.

Recommendation: Privy Council Office, the Department of Justice and the Department of Canadian Heritage should ensure that when revisions to the Electoral Boundaries Readjustment Act are proposed, they include the objectives of Section 41 among the criteria which Electoral Boundaries Commissions must consider in delimiting Federal Electoral Districts. Elections Canada should provide information and guidance to each Electoral Boundaries Commission in that respect.

6. A number of federal institutions exercise regulatory powers that may impact negatively or positively on the vitality and development of minority official language communities, as well as, in the case of the CRTC for example, on advancing the status and use of English and French.

Recommendation: All federal regulatory institutions, and all federal institutions that are vested with regulatory responsibilities, should undertake a review of current regulations with a view to ensuring that opportunities to give effect to Part VII of the Act are in fact being fully actualized. They should also review their regulatory development processes so as to ensure that Part VII commitments are given full consideration.

CONCLUSION

This report is intended to help everyone concerned in gaining a greater understanding of Part VII of the Official Languages Act, 1988 and to further its implementation.

Section 41 of Part VII, commits the Government of Canada (1) to enhancing the vitality and supporting the development of the English and French linguistic minority communities and (2) to fostering the full recognition and use of both English and French in Canadian society.

Part VII is about fairness and equity. Equity for minority official language communities who suffer disadvantages and do not derive from federal policies and programs all of the benefits that majorities do. The purpose of Part VII is to remedy those disadvantages, and to ensure fair treatment. It requires changing the way these policies and programs are currently being conceived, adopted and implemented.

Part VII is about Canada and being Canadians. It is about living in English and living in French in Canada. The purpose of the second commitment is to help create a linguistic environment that enables people to live in English in a number of communities in Quebec, and to live in French in a number of communities in each of the other provinces and the territories. It means to have access to education, government services, jobs, culture and entertainment in one's preferred language.

Part VII is about a concept of full citizenship for all Canadians, be they English-speaking or French-speaking. The majority of Canadians are unilingual. Should life's circumstances require them to move to another part of Canada, they should be able to find a vibrant minority official language community supporting their language and offering them a community in which they could easily integrate.

Both commitments in Part VII require putting in place the strategic means of achieving its objectives. It is not a matter of proposing costly new measures although minor readjustments in resource allocation may be required. What is required is that decision-makers at all levels in the Government of Canada be personally committed, and be more creative in identifying opportunities to achieve Part VII objectives.

Part VII is about Canada's unique identity. The implementation of Part VII is essential to Canada's minority official language communities, important to both linguistic majorities, and vital to Canada's future as a country.

PART VII

ADVANCEMENT OF ENGLISH AND FRENCH

Government
policy

41. The Government of Canada is committed to
(a) enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and
(b) fostering the full recognition and use of both English and French in Canadian society.

Coordination

42. The Secretary of State of Canada, in consultation with other Ministers of the Crown, shall encourage and promote a coordinated approach to the implementation by federal institutions of the commitments set out in section 41.

Specific man-
date of
Secretary of
State

43. (1) The Secretary of State of Canada shall take such measures as he considers appropriate to advance the equality of status and use of English and French in Canadian society, and, without restricting the generality of the foregoing, may take measures to
(a) enhance the vitality of the English and French linguistic minority communities in Canada and support and assist their development;
(b) encourage and support the learning of English and French in Canada;
(c) foster an acceptance and appreciation of both English and French by members of the public;
(d) encourage and assist provincial governments to support the development of English and French linguistic minority communities generally and, in particular, to offer provincial and municipal services in both English and French and to provide opportunities for members of English or French linguistic minority communities to be educated in their own language;
(e) encourage and assist provincial governments to provide opportunities for everyone in Canada to learn both English and French;

PARTIE VII

PROMOTION DU FRANÇAIS ET DE L'ANGLAIS

Engagement

41. Le gouvernement fédéral s'engage à favoriser l'épanouissement des minorités francophones et anglophones du Canada et à appuyer leur développement, ainsi qu'à promouvoir la pleine reconnaissance et l'usage du français et de l'anglais dans la société canadienne.

Coordination

42. Le secrétaire d'État du Canada, en consultation avec les autres ministres fédéraux, suscite et encourage la coordination de la mise en œuvre par les institutions fédérales de cet engagement.

Mise en
œuvre

43. (1) Le secrétaire d'État du Canada prend les mesures qu'il estime indiquées pour favoriser la progression vers l'égalité de statut et d'usage du français et de l'anglais dans la société canadienne et, notamment, toute mesure :
a) de nature à favoriser l'épanouissement des minorités francophone et anglophone du Canada et à appuyer leur développement;
b) pour encourager et appuyer l'apprentissage du français et de l'anglais;
c) pour encourager le public à mieux accepter et apprécier le français et l'anglais;
d) pour encourager et aider les gouvernements provinciaux à favoriser le développement des minorités francophone et anglophone, et notamment à leur offrir des services provinciaux et municipaux en français et en anglais et à leur permettre de recevoir leur instruction dans leur propre langue;
e) pour encourager et aider ces gouvernements à donner à tous la possibilité d'apprendre le français et l'anglais;

(f) encourage and cooperate with the business community, labour organizations, voluntary organizations and other organizations or institutions to provide services in both English and French and to foster the recognition and use of those languages;

(g) encourage and assist organizations and institutions to project the bilingual character of Canada in their activities in Canada or elsewhere; and

(h) with the approval of the Governor in Council, enter into agreements or arrangements that recognize and advance the bilingual character of Canada with the governments of foreign states.

f) pour encourager les entreprises, les organisations patronales et syndicales, les organismes bénévoles et autres à fournir leurs services en français et en anglais et à favoriser la reconnaissance et l'usage de ces deux langues, et pour collaborer avec eux à ces fins;

g) pour encourager et aider les organisations, associations ou autres organismes à refléter et promouvoir, au Canada et à l'étranger, le caractère bilingue du Canada;

h) sous réserve de l'aval du gouverneur en conseil, pour conclure avec des gouvernements étrangers des accords ou arrangements reconnaissant et renforçant l'identité bilingue du Canada.

Public
consultation

(2) The Secretary of State of Canada shall take such measures as he considers appropriate to ensure public consultation in the development of policies and review of programs relating to the advancement of the equality of status and use of English and French in Canadian society.

(2) Il prend les mesures qu'il juge aptes à assurer la consultation publique sur l'élaboration des principes d'application et la révision des programmes favorisant la progression vers l'égalité de statut et d'usage du français et de l'anglais dans la société canadienne.

Consultation

Annual report
to Parliament

44. The Secretary of State of Canada shall, within such time as is reasonably practicable after the termination of each financial year, submit an annual report to Parliament on the matters relating to official languages for which he is responsible.

44. Dans les meilleurs délais après la fin de chaque exercice, le secrétaire d'État du Canada dépose un rapport annuel au Parlement sur les questions relevant de sa mission en matière de langues officielles.

Rapport
annuel

Consultation
and negotia-
tion with the
provinces

45. Any Minister of the Crown designated by the Governor in Council may consult and may negotiate agreements with the provincial governments to ensure, to the greatest practical extent but subject to Part IV, that the provision of federal, provincial, municipal and education services in both official languages is coordinated and that regard is had to the needs of the recipients of those services.

45. Tout ministre fédéral désigné par le gouverneur en conseil peut procéder à des consultations et négociations d'accords avec les gouvernements provinciaux en vue d'assurer le plus possible, sous réserve de la partie IV et compte tenu des besoins des usagers, la coordination des services fédéraux, provinciaux, municipaux, ainsi que ceux liés à l'instruction, dans les deux langues officielles.

Consultations
et négocia-
tions avec les
provinces

**FEDERAL INSTITUTIONS STUDIED IN MORE DETAIL
IN THE COL INVESTIGATION ON
IMPLEMENTATION OF PART VII OF THE OLA
March 23, 1994**

Foreign Affairs and International Trade
Canadian International Development Agency
Department of Agriculture and Agri-Food
Business Development Bank of Canada
Transportation Safety Board of Canada
Canadian National
Privy Council Office
Office of the Superintendent of Financial Institutions Canada
National Arts Centre
Canadian Centre for Management Development
Citizenship and Immigration
Commissioner for Federal Judicial Affairs
Canadian Cultural Property Export Review Board
National Capital Commission
Public Service Commission
Statute Law Review Commission (Merged with Dept. of Justice in 1994)
Social Sciences and Humanities Research Council
National Sciences and Engineering Research Council
National Research Council
Medical Research Council
Canada Council
Department of National Defence
Human Resources Development
Department of Western Economic Diversification
Election Canada
Department of Finance
Industry Canada
Investment Canada (Today Canada Development Investment Corporation)
Department of Justice
Canadian Museum of Civilization
National Gallery of Canada
National Museum of Science and Technology

National Film Board
Canadian Heritage
Department of Fisheries and Oceans
Natural Resources Canada
National Revenue
Health Canada
Canadian Intergovernmental Conference Secretariat
Treasury Board Secretariat and Office of the Comptroller General
Canada Ports Corporation
Canada Post Corporation
Cape Breton Development Corporation
Export Development Corporation
Canadian Broadcasting Corporation
Statistics Canada
Telefilm Canada
Transport Canada
Public Works and Government Services Canada
Auditor General of Canada
Via Rail Canada Inc.
Atlantic Canada Opportunities Agency
Federal Office of Regional Development - Quebec
International Development Research Centre
Canadian Commercial Corporation
International Centre for Human Rights and Democratic Development
Canadian Space Agency
Immigration and Refugee Board



APPENDIX C

Our Ref.: 1222.9

Form letter to deputy heads of federal institutions whose activities may have a significant impact on the vitality and development of the Anglophone and Francophone minorities in Canada or on the recognition and use of English and French in Canadian society.

Dear xxx xxx:

I wish to inform you, pursuant to Section 59 of the Official Languages Act, of my intention to make an assessment of the implementation by the federal government of Part VII of the Act. Section 41 of this Part provides that:

"The Government of Canada is committed to:

- (a) enhancing the vitality of the English and French linguistic communities in Canada and supporting and assisting their development; and*
- (b) fostering the full recognition and use of both English and French in Canadian society."*

Part VII is a component of the Act whose nature differs significantly from the parliamentary, legislative, judicial and institutional bilingualism with which the federal administration is more familiar. In view of its scope and the ramifications of its implementation, I have assigned the conduct of our investigation to an executive, Jean-Claude Le Blanc, who can be reached through SEN [LEBLANC.JC] or at (613) 995-9068. I invite you, for the purposes of this investigation, to designate as your representative one of your assistant deputy ministers [vice-presidents, etc.] or directors general [assistant vice-president, etc.]. Mr. Le Blanc will be able to exchange information with this representative and obtain the documents we will need and the assistance required to arrange the interviews that will be part of the investigative work. You will no doubt wish to inform me how to contact your spokesperson as soon as one is chosen.

If you have in place a program, measure or activity that is innovative or particularly effective in terms of the aims set out in Section 41 of the Act I would appreciate being informed of it. I hope to make known to the executive community achievements that

might serve as examples or inspirations in applying Part VII to their particular situations.

I would also appreciate being informed, by June 1, 1994, of the implementation scheme that you envisage to ensure full compliance, in the federal institution for which you are responsible, with the statutory commitment set out in Section 41 of the Act. I believe that we all have an interest in sharing our best ideas in this regard.

I will inform you of the results of our investigation when it is completed and you will have the opportunity to comment on any observations and recommendations I may make.

Enclosed is a French version of this letter for the convenience of your colleagues.

Sincerely yours,

Victor C. Goldbloom

Encl.



APPENDIX D

Discussion Paper
Jean-Claude Le Blanc
June 1995

GUIDELINES FOR THE IMPLEMENTATION OF PART VII OF THE OFFICIAL LANGUAGES ACT¹

Part VII of the Official Languages Act [OLA] is entitled *Advancement of English and French*. Although Part VII has only five sections in a text with over a hundred, it represents the most novel feature of the 1988 Official Languages Act compared to the 1969 Act and, indeed, Part VII is what most distinguishes the 1988 Act from its predecessor. Three of the 10 provisions of the Preamble of this Act are exclusively devoted to it. Section 2, which sets out the purposes of the Act, devotes one of its two substantive paragraphs to Part VII, the other being concerned with parliamentary, legislative, judicial and institutional bilingualism.²

Despite the prominence given to them in the Act, the five sections of Part VII of the Official Languages Act are generally little known and poorly understood. The Supreme Court of Canada has not yet been asked to interpret the meaning of Part VII of the Act. In the light of Supreme Court decisions on language rights and of the legal opinions that we have obtained, the meaning of Part VII of the Act is as follows. [The text of Part VII is to be found in Appendix A.]

¹ The June 1994 version of this Discussion Paper has been distributed to all senior managers designated by the executive heads of 58 federal departments, agencies and Crown corporations as their representative for the purpose of an investigation initiated on March 23, 1994, by the Commissioner of Official Languages on Implementation of Part VII of the Act. Every federal executive interviewed as part of the investigation after July 20, 1994, has received a copy. The Discussion Paper was also distributed to the leaders of the major Anglophone and Francophone minority community associations so that further discussions on implementing Part VII of the Official Languages Act could benefit from a shared knowledge and understanding of the meaning of Part VII of the Act. This version has been revised in light of the comments the author has received from interested readers.

² Institutional bilingualism here refers to the system of rights and obligations concerning the language of communications with the public and the provision of services, the language of work of federal institutions and the equitable participation of English-speaking Canadians and French-speaking Canadians in federal institutions.

Legal Scope

While the means contemplated under the "Minority Language Educational Rights" guaranteed under Section 23 of the Canadian Charter of Rights and Freedoms differ considerably from those contemplated under Part VII of the Official Languages Act, the purpose and objectives of Part VII of the Act are the same as those of Section 23 of the Charter, as interpreted by the Supreme Court of Canada in *Mahé et al. v. R.*, [1990]. The general purpose of Part VII of the Act is to preserve the two official languages of Canada and the cultures they represent and to promote the vitality of each of these languages, as far as possible, in the provinces where it is not spoken by the majority of the population, by enhancing the vitality of the communities that transmit it. This Part of the Act is also designed to correct, on a national scale, the progressive erosion of minority official language groups and to give effect to the concept of the equal partnership of the two official language groups in the areas of activity of the Government of Canada.

Part VII seeks to achieve this aim by binding each federal institution, in the exercise of its mandate and the implementation of its objectives, to the statutory commitments to

(a) enhancing the vitality of the English and French linguistic minority communities in Canada and supporting and assisting their development; and

(b) fostering the full recognition and use of both English and French in Canadian society. [OLA, Section 41]

1. Constitutional basis

Part VII is an extension of Subsection 16(1) of the Canadian Charter of Rights and Freedoms, which states that "English and French are the official languages of Canada" and as such, "have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada." [emphasis ours]. The adoption of Part VII of the Act gives effect to the principle of "advanc[ing] the equality of status and use of English and French," which calls for legislative action by "Parliament **or** a legislature" [Charter, Subsection 16(3)]. In section 41, "The Government of Canada is committed to...fostering the full recognition and use of both English and French in Canadian society" [emphasis ours]. In Subsections (1) and (2) of Section 43, Parliament repeats the wording of Subsection 16(3) of the Charter and states, with respect to the "mandate of the Secretary of State" (today the Minister of Canadian Heritage) [OLA, Section 43], that he "shall take such measures as he considers appropriate to advance the equality of status and use of English and French in Canadian society" [emphasis ours]. Like section 23 of the Charter concerning "Minority Language Educational Rights", which it complements, Part VII recognizes that the status of the official languages throughout the country depends on the vitality of the minority communities who speak these languages.

2. The Government's interpretation

In a letter addressed to his Cabinet colleagues in July 1987, the day following the tabling of Bill C-72 [the 1988 Official Languages Act], the Prime Minister said:

I would like to note in particular that the Government is committed to fostering and supporting the growth and development of Canada's English- and French-speaking minorities. It is therefore essential that all federal departments and agencies contribute to strengthening these communities and bear them in mind when developing policies and implementing programs.³ [emphasis ours]

In Section 41 of the Act, Parliament expressed its will to ensure that government policies and programs produce results for the official language minorities comparable to those from which the majority language group benefits.

The legislator recognized the necessity to ensure that the official language minorities' particular needs and interests receive full consideration and be thereby protected, rather than lost by reason of general considerations.

Section 41 acknowledges the need for a continuing effort to guard against the natural tendency, when developing and implementing policies and programs, to *forget* the linguistic minorities, who represent only a modest or small percentage of the population in most regions of the country.

On August 2, 1994, the Government of Canada approved the establishment of a ministerial accountability framework for implementation of Sections 41 and 42, Part VII, of the OLA. It requires that minority official language communities be consulted on their needs. Some 26 initially targeted key federal institutions are required to develop Part VII action plans that take into account the specific needs of the communities. Ministers responsible for key institutions transmit these plans to the Minister of Canadian Heritage and once a year report to the said Minister on the *results* thereof. In his Annual Report on Official Languages, the Minister of Canadian Heritage will report to Parliament on the implementation of Section 41 commitments.

3. Two-fold commitment

The commitment set out in Section 41 of the Act is twofold. First it requires every federal institution, to the extent of its mandate, to directly "enhance the vitality of the English and French linguistic minority communities in Canada" and actively support and assist them in their development. The second element of Section 41 complements the first. Its objective is to strengthen Canadian linguistic duality and, indirectly, the vitality of the Anglophone and Francophone minority communities in Canada, by striving to provide an appropriate environment

³ This excerpt was published in the Annual Report 1988 of the Commissioner of Official Languages, p. 18.

so members of these communities can live a sufficiently large part of their lives "in Canadian society" in *their* language. Every federal institution is responsible for striving, by every reasonable means available to it, to ensure full recognition for the equality of status and use of English and French in Canadian society.

The provisions of Part VII of the OLA are part of that special category of quasi-constitutional laws that, according to the jurisprudence, express fundamental objectives of society. Therefore, these need to be interpreted in such a manner as to further the underlying broad public policy considerations.

4. The importance of "status"

The use in Part VII of the words "status and use" is particularly interesting considering the results of research conducted on several continents in recent decades on the vitality of various language communities living in minority situations, regardless of the languages in question. Clear conclusions can be drawn from this research. The index of vitality of a given linguistic group essentially depends on two factors: language use and status. "Use" is the frequency and context of the linguistic exchanges in a language; "status" is the quality of these exchanges, and particularly the value assigned to these exchanges in that language.

In practice, either the vitality of a language increases because it is used in a context that contributes to enhancing its status and, consequently, to *enhancing the vitality* of the linguistic group that gives it its existence, or the language weakens because it is used in a context where it is inferior in status to another language. This promotes assimilation to the dominant linguistic group.⁴ This is because "language is more than a mere means of communication, it is part and parcel of the **identity** and culture of the people speaking it. It is the means by which individuals understand themselves and the world around them."⁵

5. Role of the Minister of Canadian Heritage

The Act assigns the Secretary of State of Canada (today the Minister of Canadian Heritage) a twofold role. In consultation with his Cabinet colleagues, he must "encourage and promote a co-ordinated approach to the implementation by federal institutions of the commitments set out in Section 41" [OLA, s. 42]. The obligation on this Minister is clear: the Act assigns him the responsibility to take a leadership role in the federal government's initiatives under Section 41, so that these initiatives do not give rise to scattered efforts that might cancel one another, but rather result from a concerted effort between federal institutions in a search for integrated action. Section 43 assigns the Minister a second leadership role. Whereas this provision allows him some discretion as to means, he is required to take all possible measures "to advance the equality

⁴ In multilingual contexts, language transfers are undeniably one of the most determinant indicators, if not of the vitality of linguistic communities, at least of the status of languages.

⁵ *Mahé et al. v. R.*, [1990] p. 15.

of status and use of English and French in Canadian society...." These "measures" refer principally to the use of the federal spending power, to intergovernmental co-operation⁶ and to co-operation with "the business community, labour organizations [and] voluntary organizations...." The Minister's leadership role also extends to the intergovernmental activities of other federal institutions [OLA, s. 45].

6. Implementation

It follows that the statutory commitments set out in Section 41 of the Act must be accompanied by an *appropriate implementation scheme*, both at a government-wide level and at the level of each federal institution. *This implementation scheme must guarantee that a set of measures adequate to ensure the achievement of its purpose are taken, in the framework of government decision-making procedures for setting priorities and allocating resources.* Furthermore, to guarantee equal benefit for both majority and minority language groups, it will often be necessary to waive uniformity of means. There is, in fact, a proportional relationship between the relative magnitude of the means and resources to be brought to bear and the inequality of status or opportunities at the outset.

Public Support

The existence of the Francophone and Acadian communities of Canada and of the English-speaking community in Quebec is recognized as a fundamental characteristic of Canada, as an asset and a distinctive feature of Canadian identity.

The combined and unprecedented effects of the recession, together with the public debt and deficit, mean that there is little or no public support for increases in government expenditures that are not deemed essential. Despite this resistance to governmental spending and despite the climate prevailing after the defeat of the Charlottetown Accord, 68% of Canadians agreed in the spring of 1993 with the statement that "The federal government should support the development of the official language minorities in Canada", and 62% supported the statement that "Having French-speaking communities *everywhere* in Canada is a *great asset to Canada*." Against such a difficult background and such a broad, if not unfashionable, formulation of the questions, it is reasonable to assume that the result reflects the minimum and persistent level of popular support.⁷

⁶ It may be observed, generally, that federal-provincial agreements have proven to be excellent tools for co-ordinating the activities of the various levels of government, both in the specific field of official languages in education, beginning in 1970, and in the general area of the advancement of English and French, beginning in 1987.

⁷ These questions were asked on behalf of the Fédération des communautés francophones et acadienne du Canada as part of an omnibus Angus Reid poll in the spring of 1993 and the results were made public in June.

The vitality of the minority official language communities seems to be intuitively recognized as indispensable to Canadian unity, since it helps to bring the two linguistic majorities together from one end of the country to the other and to strengthen all Canadians' feeling of belonging, whether they are English-speaking or French-speaking.

An analysis of the data from several polls conducted nation-wide over a seven-year period, starting in 1986, leads Angus Reid to conclude that linguistic duality is solidly rooted in popular Canadian culture.⁸ Thus,

for the nth time, a February 1990 poll confirms that 80% of Canadians "still believe in the equality of the two founding peoples." A general consensus was found in the various linguistic groups, including a majority of allophones and 76% of the Anglophones in Canada.

This analysis also shows that Canadians in general believe that *not enough is being done* to protect the two official languages in a minority situation. Thus,

- more than 80% of Canadians in the Atlantic provinces, Ontario, the West and the Pacific region consider "the protection of English in Quebec inadequate", and
- 84% of Quebecers consider "the protection of French in the rest of the country inadequate."

The fact that these results have been consistent over quite a long period leads to the conclusion that the equity measures taken to implement Part VII of the Act and designed to reduce the gap between the linguistic groups enjoy a significant level of support from Canadian public opinion.

Conclusion

This, in essence, is the meaning of Part VII of the Official Languages Act, with a description of the obligations it imposes on the federal administration and the rights it confers on the English-speaking and French-speaking minorities in Canada. Moreover, there is every reason to believe that responsible officials can count on the intuitive understanding of a solid majority of Canadians, on their sense of justice and fair play, on their deep attachment to Canadian identity and unity - unity on which their welfare and prosperity may depend to a large extent - and on their unfailing support.

⁸ Analysis presented by Angus Reid to those attending a congress of the Commission nationale des parents francophones in Montreal in February 1992 and of the Fédération des communautés francophones et acadienne du Canada in Ottawa the following June.

At this particular time of our history, marked by government reorganizations, reduced public expenditures, especially at the federal level, and new priorities resulting from these reforms, nothing could be more important than complying with Part VII of the Official Languages Act and achieving the intent of the legislator. **In order to implement the provisions of Section 16 of the Canadian Charter of Rights and Freedoms, the Parliament of Canada has set out clear objectives in Sections 2 and 41 of the Official Languages Act.** Within the context of its mandate and in collaboration with other federal agencies, *every federal institution* whose activities have or might have any impact on the development and vitality of Canada's English-speaking and French-speaking minority communities, or on the status and use of English and French in Canadian society, is required to give full effect to the commitments made in Section 41 of the Act.

NOTICE TO THE READER

I would very much appreciate receiving any suggestions likely to improve the above document. Thank you kindly for your time and thoughts.

Sincerely,

Jean-Claude Le Blanc
Director
Official Language Communities
Tel.: (613) 995-9068
Fax: (613) 993-5082
SEN: LEBLANC.JC

*An Exploratory Study of the Attitudes
of Senior Federal Executives with respect to
Part VII, the Official Languages Act,
prepared for the Office of the
Commissioner of Official Languages
by COMPAS Inc.*

In autumn, 1994, the Office of the Commissioner of Official Languages commissioned COMPAS to explore perceptions relating to Section 41, Part VII of the *Official Languages Act*. Section 41 sets out the government's commitment to "a) enhancing the vitality of the English and French linguistic minority communities and supporting and assisting their development; and b) fostering the full recognition and use of both English and French in Canadian society."

The purposes of the study were to

- reveal the extent to which senior officials are aware of, are predisposed to undertake, and/or actually undertake measures to fulfil their obligations with respect to Part VII of the Official Languages Act, and
- identify factors which may enhance or diminish officials' initiatives to fulfil their obligations with respect to Part VII of the Official Languages Act.

Telephone interviews were undertaken among senior officials in federal departments, agencies, and crown corporations. Prospective respondents were mailed a form letter from the Commissioner accompanied by a personally addressed letter from the research firm. A total of 558 telephone interviews were completed. In the case of random sample surveys of this size, the results would be deemed accurate to within 4.1% 19 times out of 20.

Within the text of this report, people whose mother tongue is English are referred to as English-speakers. People whose mother tongue is French are referred to as French-speakers. Because of space limitations, English- and French-speakers are sometimes referred to as "Anglo" and "Franco" in the accompanying charts and graphs.

Interviews began with an open-ended question about the most important issue facing Canada. Respondents were

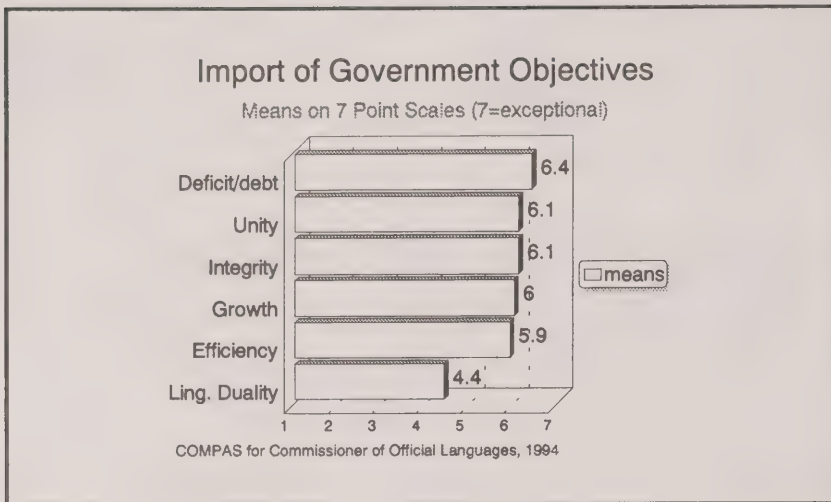


Figure 1

then presented with a battery of government objectives for assessing:

"I'm going to list various objectives of government. Please score the importance, in your own judgement, of each on a 7 point scale where 7 means of exceptional importance and 1, not so. For example, [rotate] how would you score the importance of contributing to economic growth...controlling the deficit/debt...providing public sector services efficiently and effectively...enhancing our linguistic duality...insuring integrity in government...national unity."

Both the battery and the preceding open-ended question show senior public servants to be preoccupied above all with debt and deficit. Among the stimuli in the battery, the national debt and/or deficit rank highest with a mean score of 6.4 on the 7 point scale (see figure 1). National unity, integrity in government, economic growth, and efficiency all rank very high as well, 5.9 or higher. Linguistic duality achieves only a mean score of 4.4, barely

above the median (4.0) and, by comparison, somewhat low. The bottom line is that linguistic duality does not emerge as a comparative priority of respondent.

Intriguingly, five of the six scores are consensual. Irrespective of mother tongue and other

geographic, demographic, or organizational variables, senior federal executives agree on the great importance of all but one of the government objectives. For example, the mean score for national unity is 6.1 among English-speakers (English mother tongue) compared to 6.2 among French-speakers (French mother tongue).

Linguistic duality, the subject of this study, is the one government objective to reflect some disagreement. Among French-speaking respondents (n=170), the mean rating for linguistic duality is slightly higher than it is among English-speakers—4.9 vs. 4.3.

The different mean scores of English-speakers and French-speakers is driven by slightly higher neutral-negative and slightly lower, highly positive scores among English-speakers. Thus, among English-speaking officials, a total of 54% score linguistic duality the mid-score of 4 or lower compared to 34% of French-speakers who do so. Meanwhile, 4% of English-speakers score linguistic

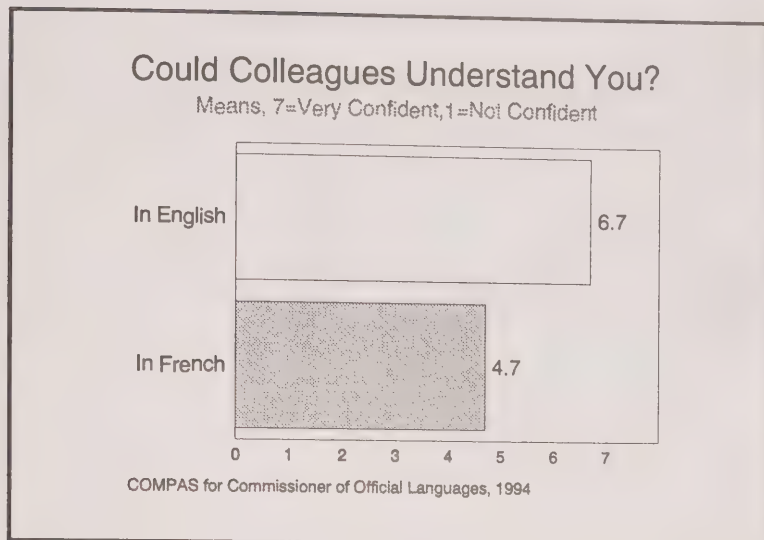


Figure 2

important than those who do not. For example, the mean score rises from 3.8 in the case of those who use English 96%+ of the time to 4.3 for those using it 91-95%, 4.4 for those using it 71-90%, 4.7 for those using it 51-70%, and 5.0 for those using it 50% or less. A parallel, if perhaps slightly weaker pattern, appears in the case of degrees of bilingualism.

duality a "7" compared to 14% of French-speakers who do so.

It cannot be said that French-speakers deem linguistic duality to be as important as the other listed objectives but their interest in linguistic duality seems a little more spirited than that of their compatriots.

Respondents place considerable emphasis on departmental law, intergovernmental relations, and machinery of government as the bodies of knowledge which executives should master most. They place less emphasis on mastering departmental environmental issues, employment equity, and linguistic duality.

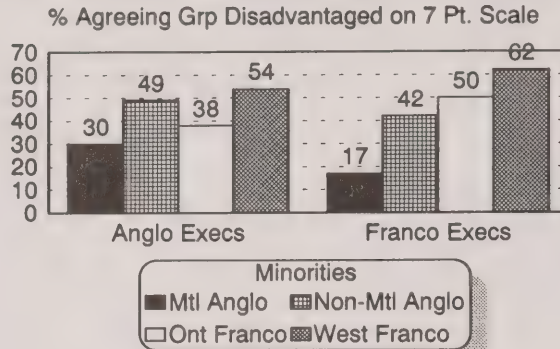
Respondents' reported use of English and French on the job seems to be associated with their views of the importance of linguistic duality. In a gradual fashion, respondents' scores for linguistic duality rise in parallel to the share of their time apparently spent speaking their second official language on the job. Federal executives who use both languages see linguistic duality as more

In practice, the vast majority of respondents report using English most of the time. A high concentration of federal executives, 38%, report using English between 71% and 90% of the time. At the low end of English usage, 17% report using English less than half their working time. At the high end, 15% report using English more than 95% of the time. Among the remainder, 18% of respondents reportedly use English 51-70% of the time while 13% report using English 91-95% of the time.

Given the predominant use of English, one might expect respondents to express much more confidence about the prospect of being understood by their colleagues if they spoke English rather than French. Indeed, that is their view. On a 7 point scale, the mean confidence score for being understood in English is 6.7 compared to 4.7 for being understood in French (see fig. 2).

When asked to ascribe importance to various, named, objectives of

Perceived Disadvantages of 4 Minorities



COMPAS for Commissioner of Official Languages, 1994

Figure 3

government, respondents assign far more importance to national unity, integrity in government, economic growth, and government efficiency than to linguistic duality. The modest score assigned to linguistic duality suggests that federal executives may not be fully attentive to the links between linguistic duality and national unity.

Although respondents tend not to see linguistic duality as a priority issue and tend to use English as their operating language, this does not mean that they are unsympathetic to the situation of French-language minority communities or indeed of English-language minority communities. A consensus among federal executives favours more support for Canada's official language minorities, especially French-speaking minorities outside Quebec.

Strong support for French-speaking minorities is founded on a consensual belief that members of such minorities are strongly disadvantaged with respect to

career, educational, and professional opportunities in their own language. The position of French-speaking communities in the West is seen as more disadvantaged than that of French-speakers in Ontario, Quebec English-speakers located outside Montreal, and especially English-speaking Montrealers (see fig. 3).

Federal executives report a predominant use of English, acknowledge greater confidence in colleagues' being understood while speaking English rather than French, and see French-speaking minorities outside Quebec as being disadvantaged. They are nonetheless convinced that French-speaking suppliers from official language minority communities feel reasonably comfortable interfacing in their own language with the respondent's department.

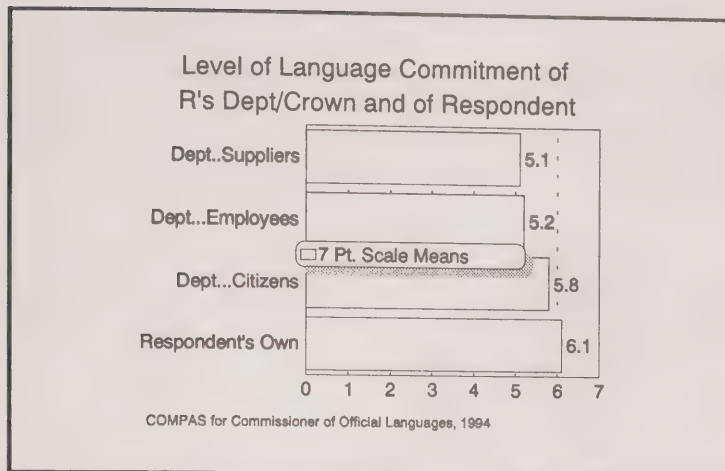


Figure 4

Respondents' confidence in minority suppliers' comfort with respondents' departments may be rooted in respondents' beliefs in their own departments' sense of goodwill.

Federal executives consider the language commitment of their employer to be moderately high with respect to the needs of official language minority employees, suppliers, and especially citizens. As for respondents' own personal level of commitment, they judge this to be especially high (see fig. 4).

A two-thirds majority of respondents report Part VII-related discussions within their own organization having taken place before 1994. Among those reporting such conversations, most portray these conversations as at least somewhat purposeful. The

extent to which respondents may have over- or under-estimated the purposefulness of such discussions is an important question but one which exceeds the competence of survey research alone.

Asked for evidence of their own organization's commitment to Part VII, most executives point to language of service requirements in effect

since the Official Languages Act (OLA) of 1969—for example, bilingual publications and bilingual spokespersons—rather than to Part VII requirements of the (new) OLA of 1988.

Budgetary constraints, lack of organizational interest, and the unavailability of bilingual staff are seen as the main impediments to further progress,

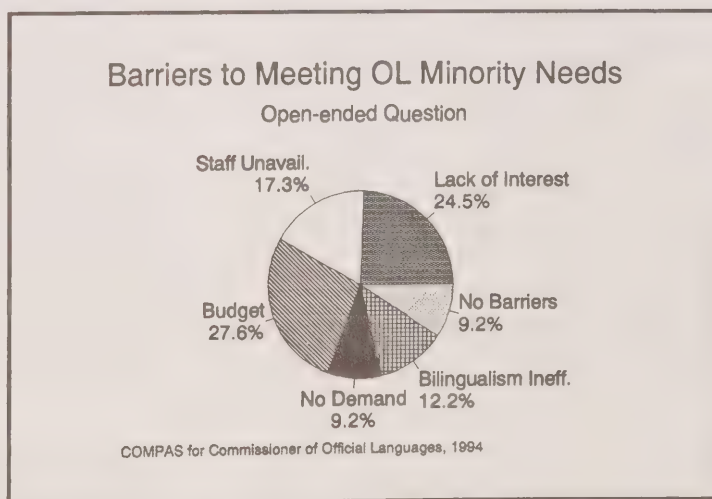
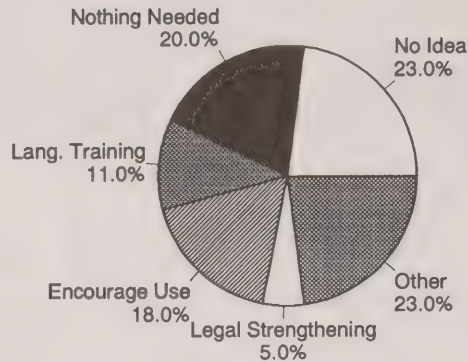


Figure 5

Potential Initiatives to Implement Part VII

Open-ended Question



COMPAS for Commissioner of Official Languages, 1994

Figure 6

as illustrated in figure 5. Some respondents deny that there is a need or opine that bilingualism is difficult to bring about because of its inefficiency.

Many respondents are at a loss to recommend initiatives for the future (fig. 6). Among respondents with specific ideas for action, the most frequent recommendations are for language use to be encouraged more vigorously, more language training, and reinforcement of the legal obligations to function in both languages. These measures relate to language of service issues rather than to implementation of Part VII of the OLA of 1988.

As a general conclusion, respondents appear to assign a moderate importance to the issues of linguistic

duality highlighted in Part VII, Section 41 of the Official Languages Act. (a) The moderate importance assigned to linguistic duality is reflected in the modest score assigned to it compared to other government goals, as reported early in this executive summary. (b) The moderate importance assigned to linguistic duality may also be reflected in the presence of a large minority of respondents at a loss to make suggestions for future action, as reported in the preceding paragraph (see fig. 6). The moderate importance assigned to linguistic duality may also reflect a lack of appreciation of the shift in paradigm that occurred with Part VII of the OLA of 1988.

The moderate importance assigned by respondents to linguistic duality may also be inferred from feedback conveyed during the pre-interview,

scheduling stage. Several dozen, prospective respondents responded by asking if COMPAS could substitute an official languages specialist from their organization since they themselves were not sufficiently familiar with the subject matter to merit an interview. Many also inquired if COMPAS intended to provide more detailed information to help them be better prepared.

Given federal executives' moderate interest in linguistic duality and the ancillary issues, an intriguing challenge is what might persuade them to assign greater importance to these issues. In this spirit, federal executives were invited to score the persuasiveness of various messages or rationales that can be

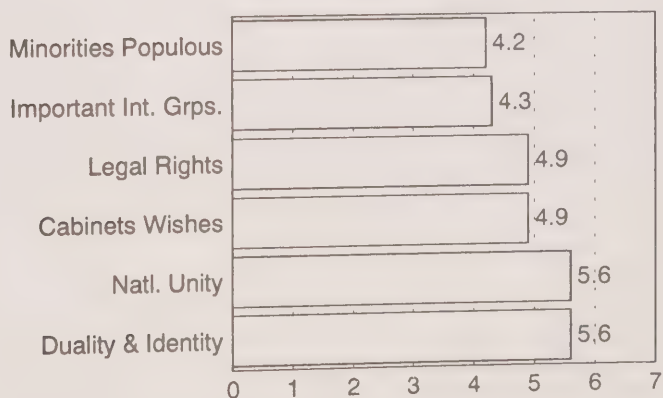
presented on behalf of official language minority vitality requirements. By far the most persuasive rationales relate to national unity and the link between linguistic duality and national identity (see fig. 7). Rationales relating to cabinet priorities and official language minorities' legal rights are less persuasive.

Rationales relating to the large size of official language minority populations and their importance as interest groups are least persuasive.

Federal executives care deeply about national unity but many do not apparently see a strong link between unity for the country as a whole and the federal government's interventions to strengthen linguistic duality, notably by enhancing the vitality and development of English- and French-speaking minority communities.

Persuasiveness of Pro-Minority Arguments

7 Point Scale Means, 7=Most Persuasive



COMPAS for Commissioner of Official Languages, 1994

Figure 7

EXCERPTS FROM THE COMMISSIONER'S ANNUAL REPORTS

SECTION 1

Annual Report, 1989: We were disappointed by the Department's [Secretary of State] performance in fostering the recognition and use of English and French among the business community and labour and voluntary organizations. (Page 17)

This commitment [Section 41] is binding on *all* federal institutions and the Secretary of State of Canada plays a key role, which is to: encourage and promote a co-ordinate approach to the implementation by federal institutions of the commitment set out in Section 41 (Section 42). (Page 172)

"Enhancing the vitality", which may be taken to mean the power or ability to develop and grow, gives a clear idea of the scope of the task at hand. Section 43 contains a list of measures that are to be taken to carry out this commitment. (Page 172)

The measures taken to date, like the human resources allotted them, are ultimately quite modest given the scope of the task at hand. We believe that the Department of the Secretary of State should ask the deputy heads of departments and Crown corporations to develop mechanisms for controlling and evaluating implementation of Section 41 and to submit an annual written report of their achievements. We hope that the second year of implementation of the Act will be marked by greater achievements through more disciplined planning. (Page 173)

As a result of the lack of an adequate system of French-language day-care centres and nursery schools, Francophone children are often anglicized even before they go to school. To counter this problem the CNPF has developed a research project designed to establish a pan-Canadian system of French-language day-care centres in minority communities. Under the project the CNPF will first seek out pre-school children with at least one parent whose mother tongue is French, in accordance with Section 23(1)(a) of the Charter, then develop the program's teaching content and train support staff and volunteers. (Page 176)

Annual Report, 1991: In our 1990 Annual Report we noted that the pace of the Department's interdepartmental co-ordination activities had "slowed somewhat". The Department is required to promote and encourage the activities and programs of other federal institutions that help to foster the development of minority communities and the advancement of the official languages. (Page 35)

The situation seems to have changed substantially in 1991. The team responsible for such co-ordination completed a thorough review of its mandate and how to fulfil it. (Page 35)

It is thus a matter of making departments and agencies aware of their responsibilities under the Act, informing minority communities of federal programs that might assist them and explaining the concept of the linguistic duality of Canada to the private and voluntary sectors. (Page 35)

In analysing this [implementation] strategy we find many positive elements....We can only wait with hope for the first tangible results of this initiative. (Page 36)

We continue to wonder, however...how the Department expects to go about accurately evaluating the initiatives of federal agencies in this regard. Specific questions asked of federal institutions in connection with our audits still, in many cases, reveal a disappointing ignorance of their obligations under Part VII of the Act. Who then, in the federal administration, if not the Department of the Secretary of State, can articulate these obligations loudly and clearly enough for everyone to hear and understand? (Page 36)

Annual Report 1992: The federal government's commitment to promoting the vitality of Canada's English- and French-speaking minorities is binding on all federal institutions. To the best of our knowledge, no federal institution has yet developed an overall plan for action on this statutory commitment nor is there a plan at the government-wide level. When the federal government decides to adopt, revise or do away with a policy or program, what provision does it make for review of the effects of those policies and programs on the vitality of these minorities? How will it incorporate this element in its ongoing program evolution and decisional process? Where do the responsibilities centres lie? (Page 99)

...all federal-provincial agreements under which the Government of Canada exercises its spending power should be systemically reviewed to ensure compliance with the spirit and letter of Section 41 of the Act. (Page 100)

...full compliance with the spirit and letter of Section 23 of the Charter and Part VII of the Official Languages Act, combined with determination and ingenuity of the minority communities and their leaders, might ultimately give the lie at least of the darkest of the demographic forecasts. That is the challenge for the 1990s. (Page 102)

Annual Report 1993: ...most federal institutions do not have a clear sense of what this [Section 41 commitments] entails, nor do they appreciate that it requires something more than merely delivering service in both official languages. Their lack of awareness in this regard is partly attributable to the fact that the Department of Canadian Heritage (formerly the Department of the Secretary of State) has not adequately fulfilled its statutory co-ordination role, a shortcoming that was underscored in a recent internal evaluation of the Official Languages Program. (Page 15)

There is no real system of accountability or responsibility for implementation of this policy at the departmental level, at Canadian Heritage or at Privy Council. (Page 15)

In short, the commitment of the federal government seems largely to have been in words rather than deeds. Certainly, it has not been translated into the usual bureaucratic tools of implementation: a strategic plan, specific objectives, adequate controls and measurable results. (Page 15)

SECTION 2

Annual Report 1992: In 1991 a study conducted by the Fédération culturelle canadienne-française (FCCF) and the FCFA found that the Francophone and Acadian communities and Quebec's English-speaking community had, in the previous five years, received only 47% and 62% of grants which, based on demographic weight, they should have had through the Department of Communications' Cultural Initiatives Program (CIP). In addition, a new national coalition for arts and culture funding (including, along with the FCCF and the FCFA and other Francophone associations, theatres, publishers, professional singers and musicians and representatives of the visual and media arts and the Ontario Cultural Alliance) recommended that the Department amend CIP eligibility criteria in order to establish solid artistic and cultural infrastructures and to promote cultural and artistic production by the minority communities. It also asked the Department of Communications to introduce a five-year \$25 million federal-provincial catch-up fund for Francophone and Acadian communities.

The arts and culture budget envelope accounts for some \$2.8 billion a year. According to estimates¹ by the Canadian Conference of the Arts, approximately \$685 million in grants and contributions are paid out by various federal agencies. The eligibility criteria for these cultural industries assistance programs do not adequately take into account the specific needs and human aspects of the minority communities. Without regard to needed improvement in artistic and cultural infrastructures, the Francophone and Acadian communities should be receiving \$25 million per year, based solely on their demographic weight. The coalition is unable to find a total of more than \$5 million. The same calculations for the Quebec's English-speaking community show it should be entitled to a contribution of \$20 million, more than they are actually receiving. (Pages 99-100)

SECTION 3

Annual Report 1992: Late in the year the Fédération des communautés francophones et

¹ Before the two successive 10% reductions announced in the Minister of Finance's Economic Statement of December 2, 1992.

acadiennes du Canada reported that the federal government intended to allocate some \$2.5 billion to vocational training over the next five years. Based on their respective demographic weights, the Francophone and Acadian communities, it said, should receive \$92 million and the Quebec English-speaking community \$75 million. However, eligibility criteria do not reflect the actual conditions in which minority communities live. These communities need vocational training programs at least as much as the linguistic majorities do, but the network of post-secondary educational institutions and businesses that can provide them with publicly-funded training is distinctly inadequate. How then to give them equal access to vocational training in their own language and to ensure that such training is actively offered? This question should be thoroughly examined so that appropriate measures can be taken as soon as possible. (Page 99)

... all federal-provincial agreements under which the government of Canada exercises its spending power should be systematically reviewed to ensure compliance with the spirit and letter of Section 41 of the Act. (Page 100)

SECTION 4

Annual Report 1989: As a result of the lack of an adequate system of French-language day-care centres and nursery schools, Francophone children are often anglicized even before they go to school. To counter this problem the CNPF has developed a research project designed to establish a pan-Canadian system of French-language day-care centres in minority communities. Under the project the CNPF will first seek out pre-school children with at least one parent whose mother tongue is French, in accordance with Section 23(1)(a) of the Charter, then develop the program's teaching content and train support staff and volunteers. (Page 176)

Annual Report 1990: In 1990 the Commission des parents francophones devoted more attention to pre-school programs, the second major component of its activities. It is just as important as the first, for pre-school services, including daycare and kindergartens, are an integral feature of the educational wisdom it is trying to implement.

The lack of an adequate system of French-language daycare facilities and kindergartens often leads to the anglicization of French-speaking children even before they attend school. Information on the number of places available in French-language public daycare facilities outside Quebec is still incomplete. However, it seems clear that, all things considered, Francophone parents are at a definite disadvantage in this regard at a time when their needs, for obvious linguistic and cultural reasons, are clearer than ever. It is at this point that francization and refrancization programs are most effective, both in preventing early anglicization and in allowing for harmonious integration into the French school of eligible pupils who speak little or no French. In the Mahé decision, did the Supreme Court not state that Section 23 is "designed to correct, on a national scale, the progressive erosion of minority official language groups and to give effect to the concept of the 'equal partnership' of the two official language groups in the

context of education."

In the past year fruitful co-operation began between the Department of the Secretary of State, the Commission nationale des parents francophones and Health and Welfare Canada. The latter, increasingly mindful of the need to fill an important gap, funded a study by CNPF designed to better define the linguistic and cultural requirements of daycare services for Francophones in a minority situation. The new Canadian policy on daycare services that the government is developing will fortunately take into account the special needs of the minority language communities. (Page 215-216)

Annual Report 1992: One of the few programs to produce tangible results in this area was the Child Care Initiatives Fund introduced by the Department of Health and Welfare. The Commission nationale des parents francophones (CNPF) has been asserting since 1989 that the absence of an adequate system of French-language daycare centres and kindergartens causes Francophone children to become anglicized and diverts them to English-language schools.

Having been made aware of these issues by parents and the Secretary of State's Department, program officials decided to fund CNPF to survey actual needs. According to data on the number of available spaces, Francophone parents outside Quebec are at a distinct disadvantage. Accordingly, six provinces this year will receive some \$600,000 in financial assistance to support the development of a daycare program tailored to the needs of children eligible for French-language schooling. Also, a trilingual daycare will open in Iqaluit with a \$240,000 grant to be paid over three years. (Page 99)

RELATIVE LEVEL OF INSTITUTIONSL RESPONSIBILITY UNDER PART VII

c	Foreign Affairs and International Trade
c	Canadian International Development Agency
c	Department of Agriculture and Agri-Food
c	Business Development Bank of Canada
e	Transportation Safety Board of Canada
d	Canadian National
a	Privy Council Office
d	Office of the Superintendent of Financial Institutions Canada
c	National Arts Centre
a	Canadian Centre for Management Development
b	Citizenship and Immigration
e	Commissioner for Federal Judicial Affairs
d	Canadian Cultural Property Export Review Board
c	National Capital Commission
b	Public Service Commission
d	Statute Law Review Commission (Merged with Dept. of Justice in 1994)
c	Social Sciences and Humanities Research Council
d	National Sciences and Engineering Research Council
c	National Research Council
d	Medical Research Council
b	Canada Council
c	Department of National Defence
a	Human Resources Development
c	Department of Western Economic Diversification
c	Election Canada
c	Department of Finance
a	Industry Canada
d	Investment Canada (Today Canada Development Investment Corporation)
a	Department of Justice
c	Canadian Museum of Civilization
d	National Gallery of Canada
d	National Museum of Science and Technology
c	National Film Board
a	Canadian Heritage
c	Department of Fisheries and Oceans
d	Natural Resources Canada

d National Revenue
b Health Canada
e Canadian Intergovernmental Conference Secretariat
b Treasury Board Secretariat and Office of the Comptroller General
d Canada Ports Corporation
d Canada Post Corporation
e Cape Breton Development Corporation
d Export Development Corporation
a Canadian Broadcasting Corporation
b Statistics Canada
c Telefilm Canada
d Transport Canada
b Public Works and Government Services Canada
c Auditor General of Canada
d Via Rail Canada Inc.
b Atlantic Canada Opportunities Agency
b Federal Office of Regional Development - Quebec
d International Development Research Centre
e Canadian Commercial Corporation
d International Centre for Human Rights and Democratic Development
d Canadian Space Agency
e Immigration and Refugee Board

MANAGING IMPLEMENTATION OF PART VII OF THE OLA 1988

The purpose of this document is to assist executive heads of federal institutions in *developing an appropriate implementation scheme* to give full effect to Part VII of the OLA 1988. The major component elements include but are not limited to an action plan of the type required under current government policy.

1. POLICY DIRECTION

Federal institutions generally have not stated their policy or objectives and defined appropriate means for implementing Part VII of the OLA 1988. In providing policy direction, each federal institution should:

- translate the Government of Canada commitments set out in Section 41 into clear institutional terms related to its mandate
- outline how it is going to meet Section 41 statutory requirements
- commit its senior leadership to ensuring effective implementation by defining and implementing a complete accountability framework and eliminating current barriers
- define institutional objectives and responsibilities at all levels, communicate clear expectations for meeting them and establish reward systems for the development of creative ways of giving concrete expression to Part VII objectives.

2. IMPLEMENTATION STRATEGY

Federal institutions currently have little or no data on benefits that minority communities derive from their programs and have not integrated Part VII considerations in the decision-making processes relating to programs and expenditures. Federal institutions should:

- review the impact of current policies, regulations and programs on both commitments of Section 41

- identify critical information needed to appreciate current gaps in relation with Part VII objectives and to appreciate relative policy, program and resource impact, and establish/modify data gathering systems to provide appropriate information
- review program criteria, program expenditures and resource allocation, and make the adjustments required to achieve results commensurate with Part VII objectives
- revise current institutional procedures for program development, approval, delivery and evaluation to ensure Part VII objectives are met
- establish appropriate mechanisms, including consultations with minority official language communities, for defining and reviewing needs, priorities and remedial action
- define both long-term and short-term operational goals including specific steps and time-frames [such as short-term Action Plan to be submitted to Canadian Heritage]
- communicate these goals at all relevant levels and ensure proper training, beginning with senior and intermediate management
- set up procedures for periodical review and revision of goals and objectives.

3. PERFORMANCE MANAGEMENT SYSTEMS

Federal institutions currently evaluate programs for minority official language communities in terms of the availability of bilingual information about services, rather than the content of services offered, and in terms of contacts made, rather than of program impacts on communities. Appropriate performance management systems should include:

- clearly defined operational objectives and evaluation procedures
- institutional bench-marks for success and results-based performance criteria, including measurable gains in relation with Part VII objectives and impact studies on the vitality of minority official language communities and on the status and use of English and French in society
- management systems and mechanisms for service delivery and Part VII evaluation that take into account the specific needs and characteristics of minority official language communities, including their associative networks and their institutional infrastructures, and the current status and use of English and French in society
- consultation systems that include a role for minority official language communities in

performance evaluation.

4. INSTITUTIONALISING NEW OUTLOOKS

Federal institutions currently respond to requirements of the OLA only in terms of institutional bilingualism, compliance with regulations and the achievement of internal language objectives (within institution). They do not seek to respond to the specific needs of minority official language communities in a proactive way. They tend to see implementation of Part VII in terms of limited, specifically targeted projects, rather than as an integral part of their mandate for delivery of all programs. In order to internalise required changes, federal institutions should review their training and professional improvement programs and:

- adopt, as a standard feature of all program delivery, measures to promote a proactive definition of the needs of minority official language communities
- adopt measures recognizing the fact that minority French-speakers currently living in nine provinces and the territories form a community, and that responding to their needs often requires a cross-Canada approach in conceiving and delivering programs
- conceive official language minorities in terms of communities. These communities should not be defined only on the basis of a geographical concept of people living in the same locality. More and more, it is trans-boundary networks of institutions, organizations and allegiances that are defining and shaping these communities
- ensure that current systems designed to achieve appropriate Anglophone-Francophone balance and regional equity in terms of benefits Canadians derive from federal policies and programs, including from procurement, incorporate measures specifically tailored to ensuring that, rather than being forgotten both as linguistic and provincial or regional minorities as it is currently the case, minority official language communities do get an equitable share of these benefits, as intended by Part VII
- ensure that reductions in resources, institutional downsizing or devolution of responsibility to other levels of government or to the private sector are not invoked as reasons for not giving full effect to Part VII commitments
- adopt measures to foster sectoral and regional partnerships between minority official language communities and federal institutions, as well as with other levels of government and with the private and voluntary sectors
- recognize that enhancement of official language minority community vitality strengthens a sense of belonging to Canada, of citizenship that transcends regional affiliations.

